THE RIGHTS OF THE IMPERIAL CROWN OF IRELAND

ASSERTED AND MAINTAINED,

AGAINST

EDWARD COOKE, Esq.

REPUTED AUTHOR OF A PAMPHLET,

ENTITLED,

"ARGUMENTS FOR AND AGAINST AN UNION, &c."

IN A LETTER TO THAT GENTLEMAN.

By *GEORGE BARNES*, Esq.

LATE OF THE ROYAL NAVY,

AND NOW BARRISTER AT LAW.

"Nor pains nor death to guard our ſacred laws,
"But bravely periſh in our country's cauſe."

Prologue ſpoken by Prince, now King George, in the Year 1749, at Leiceſter-Houſe.

Belſham's 1ſt Vol. of Geo. III. *page* 7.

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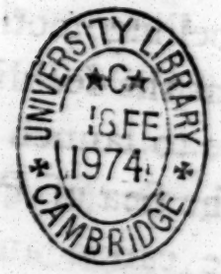

PREFACE.

READER,

I HERE preſent you with my humble ſentiments on a ſubject of the greateſt importance. The favourable manner in which the ſpeech I made at the Bar-meeting was received by that learned and reſpectable body, was certainly the impelling motive; but a ſenſe of public duty was the deciding principle, which has induced me to launch my Frigate of Patriotiſm into the Sea of Public Opinion. A Student in the canon and municipal law, I am determined my acquirements in both ſhall be at the ſervice of my Country, and exerting, as I ever will, whatever talents I poſſeſs at the Bar in defence of her liberties, if attacked in the courts by uſurped or illegal prerogative, ſo am I equally determined, if the moment ſhall make it neceſſary, to ſupport her rights, and with them the *juſt and acknowledged prerogatives* of the Iriſh Crown, by the knowledge I derive from the former law, in the field of martial

martial glory.* A ſeaman by profeſſion, I will ever be found

" True to my truſt when ſacred duty calls ;"

and conſcious as I am, I ſhould be unworthy of the name I pride myſelf in, if I heſitated, where delay may be dangerous. I here, in the language of that glorious patriot, Lord Ruſſel, elegantly verſified by the father of the preſent Mr. Canning, declare, that theſe

" Are the fixed ſentiments, that rule my ſoul ;
" *Time* cannot change, nor *tyranny* controul."

If any ſhould think, I have impertinently added to the large number of Pamphlets, which has already appeared on the ſubject of the Union, I beg them to remember, that, in times of danger, ſeamen do not content themſelves with paſſive courage ; no, the naval poet will tell them, that

" Tho' their firm hearts no pageant honour boaſt,
" They ſcorn the wretch that *trembles* at his poſt :
" Who, from the face of danger ſtrives to turn,
" Indignant from the ſocial hour they ſpurn."

FALCONER.

N. B. That the correctneſs of my quotations may be the more eaſily aſcertained by the Public, I have preferred the editions of the books quoted, which are in the Dublin Library, Euſtace-ſtreet, to all others.

THE

* Oſtendite Bellum, Pacem Habebitis.

THE RIGHTS OF THE IMPERIAL CROWN OF *IRELAND*, ASSERTED AND MAINTAINED.

SIR,

BY your Pamphlet, entitled, "Arguments for and againſt an Union, &c." you have forced every queſtion relative to that important ſubject into diſcuſſion; you, therefore, Sir, are anſwerable for all the conſequences, whatever they may be, which ſhall attend the diſcuſſion of the queſtion of Union, at a moment when it is impoſſible the public mind can as yet have ſettled into the regions of good humour and good temper, after the unhappy diſturbances which have ſhook the country to its centre. You ſay "the queſtion is of ſuch extent and importance, and applies ſo warmly to all the feelings, prejudices, and paſſions of the human mind, that it cannot fail to be univerſally debated; the only fear is, that it will not be properly debated." When a propoſal is made by you to a great and generous nation, as wicked and as baſe

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baſe in principle, as that of Sextus to the noble Lucretia, you expreſs your fears leſt the inſult ſhould be reſented by Roman, that is by Iriſh courage; yes, Sir, I truſt ſhould the folly and madneſs of Britiſh Miniſters, fluſhed with Naval greatneſs, acquired, however, by the aſſiſtance of Iriſh valour, impel them to attempt the enjoyment of a lawleſs embrace, that they ſhall find, that the chaſtity of the faireſt virgin that ever appeared in this ſublunary world, will be defended by brothers, who would willingly die in defence of her honour; yes! they ſhall find, that not only ten thouſand, but ten times ten thouſand ſwords, "ſhall leap from their ſcabbards to avenge the inſult, and learn to their coſt, that in the defence of virgin innocence, with Iriſhmen, "the age of chivalry is not gone."* Having expreſſed myſelf in the only language which I conceive fit for an honourable and ingenuous mind to ſpeak, when a propoſition of infamy is made to it, I will in the ſequel condeſcend to argue the "queſtion of terms," to prove to thoſe who can deign to calculate, when proſtitution is the price of ſuppoſed acquiſition, that if they can think as lightly of honour, as Falſtaff, they have no means of compelling the adulterer to keep his promiſe, and ſave the character of the lady, by a marriage; nay, even the ſettlement itſelf, being for an immoral conſideration, would not be enforced in any court; and ſtill more dreadful to tell, Sir, we ſhould in that caſe, be deprived of the chance derivable from honourable feelings in oppoſition to ſtrict law, as then there

* Burke's Reflec. on the French Revolution, 112,—13.

there would be no Court competent to try the queſtion of immorality. Nor can, nor will the juſtice of the oppoſition which, if neceſſary, I propoſe ſhould eventually be made to a Union, be denied by any perſons of the preſent day, who were members of the Bar, the Volunteers, that illuſtrious band, not made up of a *ſect*, but of a nation, of Roman Catholics, Preſbyterians, and Proteſtants, unrivalled in either ancient or modern hiſtory, forgetting their feuds, and in mutual love embracing each other; they united under the more glorious, more excellent, and truly Catholic names of Volunteers and Chriſtians; they ſtepped forward, and, ſubordinate to the Iriſh ſenate, aſſerted the independence of the Iriſh monarch and nation, in oppoſition to a Britiſh legiſlature. This *great* and never-to-be-obliterated benefit, we owe to the prudence and magnanimity of that body of men, which, while there is an infant tongue to liſp their names, will be ſpoken of with veneration and gratitude; or the members of either Houſe of Parliament; in the year 1782, all theſe bodies did then ſeparately reſolve, they would riſk their lives and fortunes in defence of the independence of Ireland, at that period, when a Huſſey Burgh, animated the Bar, a Sharman and a Brownlow led the patriotic band, a Yelverton and a Hartley in the Commons Houſe, ſeconded the motions, and ſupported the principles of the father of Iriſh Freedom, from whence our increaſed trade, our improved agriculture, and our advancements in literature, and our extenſion in ſcience, have ariſen; and when the good Leinſter, and the wiſe and virtuous Charlemont,

mont, gave efficacy to the reſolves of the Commons, by their votes in the Upper Houſe of Parliament. Previous to my conſidering this ſcheme of yours, which propoſes "ſo much actual crime, againſt ſo much contingent advantage,"* I ſhall take the liberty of obſerving on that part of your pamphlet, which is in the nature of previous remarks. You ſay,† "let us firſt view the queſtion in the abſtract. Two independent ſtates, finding their ſeparate exiſtence mutually inconvenient, propoſe to form themſelves into one ſtate for their mutual benefit. Every independent ſociety or ſtate has a right, conſiſtent with its exiſting duties and obligations, to propoſe the means which appear moſt probable to the attainment of the happineſs of its people." The truth of theſe abſtract propoſitions, guarded by this proviſo, that in the exerciſe of this right, nothing is done, which may prevent poſterity having the full enjoyment of thoſe privileges which they derive from God and Nature, and not from ſociety,‡ I mean not to diſpute; but as moſt falſe concluſions are drawn, from theſe admitted premiſſes, and in the ſhape of arguments ſtrewed over the ſurface of your pamphlet, it ſhall be my buſineſs to enter into a philoſophical analyſis of theſe principles, and, I hope, by ſuch inveſtigation, I will be able to make a more patriotic

* Burke's Reflections on the French Revolution, 121.

† Page 2.

‡ The doctrine maintained by me reſpecting ſociety, is aſſerted by Blackſtone, vol. iv. page 85. "No Parliament can be abridged of *any* of its rights, by *any* precedent one."

patriotic application of them. In this inquiry, the queſtion of the moral incompetency of Parliament to create this Revolution, ſhall be demonſtrated.

By the firſt poſition laid down in the paragraphs I have quoted, you have neceſſarily re-broached that doctrine, ſeparation, for the avowal of which, you have aſſiſted to puniſh certain perſons, union and ſeparation being neceſſarily correlative terms, it being impoſſible that any rational perſon, bona fide, intending to deviſe means for the removal of ſuch evils, as thoſe ariſing between two independent ſtates, occaſioned by their "ſeparate exiſtence proving mutually inconvenient," ſhould come to a deciſion on that point, without taking into his contemplation the advantages and diſadvantages attending a union, and a ſeparation, and then, and not before, decide on an impartial view of both ſituations for the *leſs* evil; he who decides without viewing the queſtion propoſed to him for his conſideration in every light it can be ſeen, decides upon ex parte evidence; and though it be *poſſible* for ſuch deciſions to be right, the probability is, they are wrong. This fair and candid ſtatement of what the queſtion of union neceſſarily involves, proves the good ſenſe of the reſolution moved by Mr. Saurin at the meeting of the Bar, and agreed to on a diviſion by 160 to 32, "That the preſent moment was not the ſeaſon to agitate ſuch a queſtion." But, Sir, no rational man will determine that, becauſe he ſuffers acknowledged evils, he is, to remove thoſe evils, to reſign the guidance of himſelf to the abſolute will of ano-

ther for ever, and without the moſt remote poſſibility of being ever again, ſui juris. At leaſt, Sir, if reaſon ever does ſo decide, it is after the moſt infallible certainty, that he neither can by his own good ſenſe better his preſent condition, nor by any other change, improve the advantages God and nature has given him. Have you then proved this is the ſituation of Ireland? have you ſhewn there is in the Iriſh Parliament ſuch a total inability to relieve the wants, to improve the advantages of this iſland, greater by the bounty of a kind Providence, than any in the world? you have not even attempted to bring any *proof*, though the libellous *aſſertion* has come from your pen, and though it is not my intention to proclaim the infallibility of the Iriſh Legiſlature, or to ſhut my eyes to its aberations from the cauſe of its country, and its apparent partiality to the mercantile intereſt of England, yet I cannot believe that if the ties of natural love are not ſufficiently ſtrong, to make the maternal parent diſcharge her duties to all her children, the beſt recipe for ſuch an evil, is a ſtep-mother: nor can I readily credit the flippant aſſertion which is made, that the merchant of Cork and Waterford will agree to withdraw his allegiance from that Parliament whoſe fiat authorized his veſſels to plow the Weſt Indian ſeas, and whoſe * mandate of compact with the Directors

* By the Iriſh Statute of the 33d of Geo. III. cap. 31. entitled, "An Act for Regulating the Trade of Ireland, to and from the Eaſt Indies, under certain Conditions, and Proviſions, for

Directors of Eaſt Indian Commerce, has brought the ſhips of the India Company to one of theſe very

for a Time therein mentioned." The preamble of this Statute, the act of the independent, not the provincial Iriſh Legiſlature, after reciting the Britiſh act paſſed for granting a prolongation of the Eaſt India Company's Charter for *twenty-one* years, from the firſt of March 1794, goes on and ſtates, And whereas the confirming by an act of the Legiſlature of this kingdom, the excluſive privileges of the ſaid Company, upon the *terms* and ſubject to the ſeveral *limitations*, *proviſions*, *regulations*, and *conditions* in and by *this* act *made*, *expreſſed*, *enacted* or *provided*, will conduce to the ſtrength and wealth of the Britiſh empire, ſo eſſential to the advancement of the trade and proſperity of this kingdom; and it is therefore *expedient*, that the ſaid *privileges* ſhould be confirmed: It is therefore enacted by the King, Lords and Commons of Ireland, "Who alone could ſurrender the undoubted right of the Iriſh ſubject to trade to the Eaſt Indies, that ſo long as the ſubjects of this country enjoy the privileges reſerved for them by this act, ſo long does the legiſlature of Imperial Ireland, allow to the Britiſh Eaſt India Company, the excluſive navigation of the Indian ſea." By the 2d ſect. of this act, the ſubjects of this kingdom are to export their goods to the Eaſt from the port of Cork. By the 7th ſect. the India Company muſt provide 800 tons of ſhipping yearly for the Iriſh merchants, if they want them; and by the 8th ſect. one of the Company's outward-bound ſhips is to touch at Cork between October and February every year. By the 9th ſect. freight to be the ſame from Cork as from Great Britain. By the 19th ſect. it is expreſsly provided, that if any ceſſion of territory be obtained from the Chineſe Government by ſaid Company, the ſubjects of this kingdom may navigate with their ſhips in the Eaſtern ſeas, or on the coaſts of Japan, Korea and China, on the ſame terms, and under the ſame reſtrictions of the ſubjects of Great Britain now do." What Iriſh merchant after

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very ports for the accommodation of the Iriſh merchant, an advantage which no Engliſhman enjoys on the long coaſt of England, weſt of the Thames,

reading this act, can ſay that for the enlarging his commercial connexions, it is neceſſary he ſhould agree to the ſacrifice of the independent Legiſlature of his country, let him from this rather learn this incontrovertible truth, that commerce is the *child*, not the *mother* of Liberty, and that he who ſacrifices the *latter* in hopes of obtaining the former, will when too late find, that in parting with the ſecurity of his treaſure, he parts with the treaſure itſelf. Acquainted with the merchants of the capital, whoſe brother I am, as being free of their guild, I believe them to be incapable of lending their aſſiſtance to the annihilation of that national grandeur, which their former patriotic exertions ſo greatly contributed to promote, and in the continuance of which, they are ſo materially intereſted. Under any circumſtances to conſent to it, would be ignoble, but with ſuch a poſitive parliamentary proof of the capability of an Iriſh Senate, to improve the natural advantages of this iſland for trade and commerce, would be to ſell their "birthright for a meſs of pottage." The act here quoted is the very conſummation of Legiſlative Independence, every other act, compared with this, was a ſtatute of aſſertions and juſt theories, but here theories have been reduced to practice, and aſſertions bottom in argument; yes, the Britiſh India Company which as ſuch, had for upwards of a century traded to the Eaſt, without knowing of, or caring about an Iriſh Parliament, acknowledged its authority, in the year 1793, and to obtain the excluſive trade of the Indian ſeas, agreed that Iriſh ſubjects might trade to their poſſeſſions, on the conditions preſcribed by an act of the Iriſh Legiſlature. Good Heavens! my beloved countrymen, ſurrender this, and every other imperial right *five* years after their perfect recognition by thoſe whoſe intereſts induced them, and whoſe power enabled them to give the moſt effectual oppoſition.

Thames, and into two of the ports † of which iſland, thoſe ſhips do regularly ſail. Had you, Sir, before you undertook to preſcribe a remedy for the evils endured by the Iriſh nation, in conſequence of the kind of connection exiſting between her and England, ſearched, as was your bounden duty, the page of hiſtory, and ſeen what remedies the wiſdom of nations had approved of, you would then have found a more gentle, and more effectual preſcription in the Diſpenſary of Europe. You ſhould before you propoſed to Iriſhmen the annihilation of Iriſh independence, a Union, as the only means of having the *real* intereſts of the country attended to, have enquired whether there exiſted, in the Governments of Europe, two countries ſo connected as Ireland and England are; and if there be, whether to promote the *real* intereſts of the country repreſenting Ireland, it has been neceſſary for her, to ſurrender the rights which her inhabitants acquired in right of being the children of that Supreme Being "whoſe mercies are over all his works; and whoſe ſervice, is perfect freedom." If inquiry had furniſhed you with a caſe in point, you ſhould have conſulted the hiſtory of that country, and have learned to what it owed its riſe and progreſs; and learned as you are, you muſt know that ſimilar cauſes, will produce ſimilar effects. As I preſume, Sir, you are ignorant that there exiſts an example in Europe of a people connected with another nation, as independent Ireland is with Great Britain by

† Portſmouth always, Plymouth ſometimes.

by the Executive Magiſtrate, preſerving their rights and liberties, and with them, the *means* of advancing their *own* intereſts, in defiance of the *corrupt* miniſters and their deputies, of the *greater* ſtate, you will know by looking into the works of a gentleman, who with another perſon was exempted from the Royal Pardon offered to Rebels during the American war. This *kingly* Rebel has of late become a great favourite with his Majeſty's Miniſters, and therefore I preſume his authority will not be denied by you. "The people of Biſcay, ſays Mr. Adams, vol. 1ſt. p. 16.* while their neighbours have long ſince reſigned all their pretenſions into the hands of Kings and Prieſts, this extraordinary people have preſerved their ancient language, genius, laws, government, and manners, without innovation, longer than any other nation of Europe. In conſequence of their having united their country under the title of a Lordſhip, with Caſtile, by which convention the King of Spain is now Lord of Biſcay. The capital of this country is Bilbao. The whole is a collection of very high and very ſteep mountains, rugged and rocky to ſuch a degree, that a company of men poſted on one of them, might defend itſelf as long as it could ſubſiſt, by rolling rocks on their enemies, active, vigilant, generous, brave, hardy, inclined to war and navigation, they have enjoyed, for two thouſand years, the reputation of the beſt ſoldiers and ſailors in Spain, and even of the beſt Courtiers. In 1632, the Court wiſhing, I ſuppoſe,

* Adams's H. of Rep.

poſe, to lay the *foundation of an incorporate* Union, laid a duty upon ſalt, the inhabitants of Bilbao roſe, and maſſacred all the officers appointed to collect it, and all the officers of the Grand Admiral. Three thouſand troops were ſent to puniſh them for rebellion, theſe they fought and totally defeated, driving moſt of them into the ſea, which diſcouraged them from purſuing their plan of taxation; and *ſince that time* the King has had no officer of any kind, in the Lordſhip, except his Corrigedor," that is, he has had no Government ſince that time in the country, compoſed of clerks from Madrid; but the Biſcayans have been allowed to manage their *own* concerns, and to make the moſt of their natural advantages; nor does the King of Spain find they are leſs dutiful ſubjects to him, becauſe they have reſiſted oppreſſion, or becauſe he regards them as his legitimate not his ſtep children. He ſees them under their native authority, a happy, a great, a dutiful, and a united people, and he receives, through the medium of his navy, his army, and his revenue, the fruits of this ſyſtem, in the ſtrength and proſperity ariſing from ſuch a national Government. While under the pro-conſular arrangement, he but reaped an ample harveſt of ſlaughters, aſſaſſinations, and rebellions, we will hear the royal rebel, Adams, to this point, and we ſhall in his works ſee what this national government, this home government of King, Lords, and Commons has done. "In riding through this little territory, you would fancy yourſelf in Connecticut, inſtead of miſerable huts,

* Adams's H. of Rep. vol. 1ſt. p. 18.

huts, built of mud, and covered with ſtraw, you ſee the country full of large and commodious houſes and barns of the farmer, the lands well cultivated, and a wealthy happy yeomanry." What! can this be true? Popiſh Biſcay, reſemble Proteſtant Connecticut! Yes, in comfort, rival Proteſtant England. Some writers, ſays Mr. Adams, aſcribe their flouriſhing commerce to their ſituation, but that cannot be, he ſays; for as this is no better than that of Ferrol, or Corunna, that advantage is *more probably* due to their liberty. This apoſtate ſon of freedom, would when he had principle, if ever he had any, have ſubſtituted the word *certainty* for probably. On pages 3 and 4, you endeavour to ſupport what you call abſtract reaſoning, and which, as I have not wholly anſwered, I am not done with yet; by what you call examples, and as thoſe may be termed practical reaſoning, in oppoſition to the other, you will permit me before I perform my promiſe as to the former, to refute the apparent ſtrength with which, as a military ſecretary, you have intrenched your abſtract arguments, by thoſe practical examples. It is a little extraordinary that you, Sir, an Engliſhman, defending Engliſh intereſts, ſhould in writing, make uſe of an Iriſh figure of rhetoric, called a blunder, (for as an example,) for the Iriſh uniting themſelves to England, you produce the diſunion, *i. e.* the ſeparation of the ſeven united Provinces from the Spaniſh government. This, however, may ſerve as a hint to Engliſhmen, not to ridicule their brother Paddy ſo much for his blunders, while they themſelves cannot avoid making bulls. This blunder of yours affords

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me an opportunity of making one or two reflections on the ſituation and conduct of the ſeven united Provinces, that may not be unworthy of attention in modern times. Hume in his Hiſtory informs us,* that the revolt of thoſe provinces was cauſed by the *tortures*, the cruelties, and the oppreſſions of Alva, who "finding at laſt the pernicious effects of his violent councils, ſolicited to be recalled." The *regular* government of Spain adminiſtered by Alva in the Low Countries produced their revolt, and the deſperate defence of Harlem, a defence, ſays Hume, "which nothing but the moſt conſuming famine could overcome," and which glorious reſiſtance of the *oppreſſion* of a regular government was revenged by the execution of more than 20,000 of the inhabitants. This extreme ſeverity, inſtead of ſtriking terror into the Hollanders, animated them by deſpair; and the vigorous reſiſtance made at Alkemaer, where Alva was finally repulſed, ſhewed that their inſolent enemies were not invincible. Requeſens, Commendator of Caſtile, was ſent from Italy to replace Alva; and this tyrant departed from the Netherlands in 1574, leaving his name in execration to the inhabitants, and boaſting in his turn, that during the courſe of five years he had delivered above 18,000 of theſe rebellious heretics into the hands of the executioner. You ſee, Sir, how religion can always be bandied about by politicians, and made the pretext for puniſhing what, in the eyes of the Alvas and Requeſens, in every clime, and every country, is the real and

* Hume's H. of Eng. vol. ii. p. 516, &c.

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the only crime, the demand of equal civil privileges, without any regard to religious diſtinctions; this we find on the authority of Hume, was a crime, in a Proteſtant and an Orangeman in the ſeven united Provinces under the government of Alva, for all theſe heretics were the perſons who fought under the Prince of Orange, and on whom were the cruelties of Alva, and the tortures of Requeſens exerciſed, on Orangemen; ſo weak, ſo impolitic is it for any body of men to ſanction what they admit to be wrong, becauſe that they at the moment, from exiſting circumſtances, find themſelves exempted by power, from that extraordinary ſeverity of puniſhment which they keep *only* for their enemies. Ignorant indeed muſt ſuch men be of the changes and chances of this mortal life, who think any ſublunary ſituation is founded on a rock, againſt which in all the mutations of time, the waves of phyſical power ſhall ſtrike in vain. The juſtneſs and correctneſs of the above remarks I can prove by royal authority, in the language held by one of Seſoſtris's captive Kings, when tied to the chariot wheel of his royal brother, and conqueror; who in reply to a queſtion put by the monarch to his captive brother, which demanded of him a reaſon for looking back "on the wheel of the chariot with ſuch uncommon attention," replied, "the going round of this wheel, O King! recals to my mind the viciſſitudes of fortune, for as every part of the wheel is uppermoſt and lowermoſt by turns, ſo it is with men, who one day ſit on a throne, and on the next are reduced to the vileſt degree of ſlavery.*— Theſe obſervations were not thrown away on the haughty

* Dobbs's Un. Hiſt. Vol. I.

haughty Egyptian, and he no longer permitted ſuch an unworthy treatment of the captive Prince." May all who read this, improve themſelves as much by the relation here given of it, as Seſoſtris did by hearing. You will permit me to ſay, that theſe obſervations are far from being irrelevant to the queſtion of Union, as, certain I am, the Britiſh Premier hopes that ſuch are our internal hatreds and animoſities, that he may ſeize the preſent moment to force it on the nation; my intention being to impreſs oblivion and forgiveneſs of all injuries on *all* ſides of what has paſt, as a duty impoſed on us by our mild and beneficent religion, and made politically neceſſary, by all the various ſelf-intereſts of the kingdom, ſo numerous, as to make a national one; and to induce *all* my countrymen to adopt this kind of conduct univerſally, which alone is real magnanimity, and true policy, I have detailed the cruelties of the Low Countries at large, and made the juſt reflections on ſuch conduct, to prove, that however little, intereſted, or vulgar minds, may think our misfortunes, and our cruelties have ariſen from circumſtances purely local, particular religious opinions, or from the Iriſh character, being incurably bad, as ſome have dared to ſay, they are the univerſal and inevitable effects of an ignorant poor, and a gentry, ſome of whom are more inclined to delight in the pleaſures of the field and the table, than in enlarging and improving their minds, by the ſtudy of hiſtory, and by learning from thence, the cauſes which in former times produced diſorders, either ſecure themſelves from ſuch evils by preventing the machinations which

created

created them, or by political foreſight acquired by ſtudy, diminiſh, by well-timed alteration, the force of thoſe evils, they cannot avert. Your ſecond example is the Union of the Sabines with the Romans: if we recur to the hiſtory of that affair, we ſhall find that on examining the compact, three moſt ſtrong objections ariſe to the concluſion made by you from that Union. Hiſtory * informs us, that "Tatius, king of Cures, a Sabine city, was the laſt, although the moſt formidable, who undertook to revenge the diſgrace his country had ſuffered. In the diſcharge of this patriotic duty, he had obtained poſſeſſion of the capitol of Rome, which enabled him to continue the war at pleaſure; at length, however, the tediouſneſs of this conteſt began to weary out both parties, ſo that each wiſhed, but neither would, ſue for a peace. At length, the hiſtorian tells us, they met in battle array, between the Capitoline and Quirinal hills; in the middle of this engagement, the Sabine women that had been carried away, flew in between the combatants, and by their tears and entreaties, procured that Union, which is now the ſubject of diſcuſſion."

The articles ſhall now be produced, and then the objections will be urged. By theſe articles it was agreed, "that Romulus and Tatius ſhould reign jointly in Rome *London*, with *equal* power and prerogative. That a hundred Sabines ſhould be admitted into the Senate. That the city ſhould retain its former name, but as a compenſation for this violation

* Goldſmith's H. of R. vol. i. pages 11, 12.

lation of equality in the treaty, that the citizens ſhould be called Quirites, after Cures, the principal town of the Sabines, and that both nations being thus united, ſuch of the Sabines as choſe it, ſhould be admitted to live in, and enjoy all the privileges of citizens in Rome." Firſt, then, as to the treaty, it is a federal, and not an incorporate Union, preſerving by compact, all imperial independence; it is therefore, not a caſe in point, we find that Rome herſelf, at this time, had no more ſenators than one hundred, and by the federal articles, this Sabine *town* was to have as many, equal numbers then of ſenators, make a Union of Senates, not a ſubjection of legiſlatures, ſuch a Union of kingdoms is neither a ſurrender of national power, nor any acknowledgment on the part of the one, of ſuperiority in the other, but a joint determination of both, to protect their individual liberties by their collective ſtrength. In this act of the Sabines, they did not *change* the ſubſtance as is propoſed by you, but regulated the mode. But, Sir, with all the ſecurity paper could give the Sabines for their independence, this federal Union, by compact, became by the neceſſary influence of Imperial Rome, an incorporate one; and thus, furniſhes Ireland with an argument drawn from experience, of the abſurd folly of a nation, able as ſhe is, to defend herſelf by the ſtrength of her own ſons, to make parchment writings drawn by the ſubtle and apoſtate Mr. Pitt, the protectors of her liberties and her honour. While this conſequential incorporation ſtrengthens all I have advanced, it does not prove your poſition, the treaty *bonâ fide* propoſing federal,

federal, not incorporate Union. Secondly, the phyſical Union of the Sabine city with Rome, creating "a neceſſity, not choſen, but chooſing," a circumſtance not applicable to Ireland and Great Britain, and which ſhall be enlarged upon, when the Scottiſh Union is conſidered; and at the ſame time, a liſt ſhall be given of the Scottiſh worthies who ſold their country for prompt payment, together with the price of their *patricidal* conduct, as a leſſon and a warning to my countrymen. Thirdly, one of the articles of this treaty might, under the exiſting circumſtances of the Sabines, as of the Scots, have been a great inducement to them to form this alliance, which is its proper name, and not Union; the article which ſtates "that both nations being thus united, ſuch of the Sabines as choſe it, ſhould be admitted to live in, and enjoy all the privileges of citizens in Rome."* The Union which this article propoſes, happily ſubſiſts at preſent between Great Britain and Ireland, to their mutual advantage, and long may this, but no other Union exiſt. You almoſt create a doubt in my mind, whether you be in earneſt with your propoſition, when as examples to convince Iriſhmen they cannot be degraded by the merging of their legiſlature, you ſtate "that a Mercian was not degraded by becoming an Engliſhman, &c." not to notice the inſult offered, by ſuppoſing that there is any parallel between the kingdom of Mercia, and this great nation, containing nearly 5,000,000 of people, and giving to the ſervice and defence of the empire,

* Goldſmith's H. of R. vol. i. p. 12.

empire, a force, greater in number, than probably all the ſubjects of the Mercian monarch. I will meet you fairly on the ſubject, and tell you, that the true reaſon why the particular kingdoms of the Heptarchy did not ſuffer by merging in the Engliſh monarchy, was becauſe they carried equal political power into the ſenate of the nation; becauſe the votes of no one kingdom, if the members had been weak enough to ſet up a diſtinct intereſt, could have advanced its individual proſperity, at the expence of the nation; and this conſciouſneſs of inability, muſt have ſmothered the incipient thought; but will Ireland go into the Britiſh Legiſlature, with political power ſufficient to defend her againſt the attacks which may be made on her fiſhermen, for the great crime of catching herrings at Waterford and Wexford? againſt an addreſs to the king,* to ſuppreſs her Woollen Trade. No, Sir, 558 Britiſh members againſt the Iriſh repreſentatives, ſuppoſing them to be unanimous, will be too powerful to be overcome; nor will your aſſuring the Iriſh nation, that their intereſt ſhall be identified with the Britiſh, after the Union, remove their fears; they will anſwer you, by producing the innumerable Acts of the Engliſh Parliament

* In the year 1698 petitions were preſented to the Engliſh Parliament, ſtating a *ſingular* grievance ſuffered from Ireland, by the Iriſh catching herrings at Waterford and Wexford, and *ruining* petitioners markets. Engliſh Commons Journal, vol. xii.

In this year, alſo, the Engliſh Lords and Commons addreſſed King William, to employ his influence in Ireland to "ſuppreſs the woollen manufactures therein," with which requeſt, this *equal* father of all his ſubjects complied.

liament, paſſed to the injury of Iriſh intereſt, at the very moment that that Parliament preſumed to aſſert the right of binding this country by its power, and therefore, by aſſerting a parental authority, was in honour bound, to afford paternal kindneſs; ſure experience, the unerring guide in politics, which by ſhowing what has been, affords a datum for what is to be, denies the truth of your propoſition, " that Ireland, after the Union, will gradually riſe to the level of England."

The next of your practical arguments which I ſhall refute, is that drawn from the United States of America, (for I purpoſely reſerve that of Scotland, for the laſt of the practical arguments) the hiſtory of whoſe government and conſtitution, you have moſt groſsly miſrepreſented, with an intent to preſs it into your ſervice. Page 17, You ſay—" All writers have agreed in condemning what is called an *imperium in imperio*. Franklin and Waſhington, the founders of the American empire, had not courage in their firſt project of a conſtitution for the American States, to exclude this radical evil, but left each ſtate independent. The Americans projected a new conſtitution, in which this original vice was remedied; the *ſeparate* independency of each ſtate was wiſely relinquiſhed; a general legiſlative, and a general executive were formed for the government of the Union in every imperial concern; and each reſpective ſtate was confined to local and municipal objects." Sir, whenever any man voluntarily undertakes to inſtruct mankind from the hiſtoric page, he is bound to make known every circumſtance that can illuſtrate the principles he propoſes

poſes to inculcate, from the examples he produces; he is not at liberty to ſtate examples which particular circumſtances, when known, will prove, that no ſimilarity exiſts between the things compared. To apply this abſtract poſition to your conduct in the account of the American Union, it will be neceſſary to ſhew the miſrepreſentations which muſt *ex neceſſitate rei* ariſe in the mind of every reader of your pamphlet, unacquainted with the nature of the American conſtitution; and this falſe gloſs receives the ſanction of him, of whom it has been truly ſaid,

"Eripuit cœlo fulmen, ſceptrumque tyrannis."

The American Union, be it known, Sir, is a federal, and not what you propoſe, an incorporate Union, and ſo the Congreſs call the conſtitution of the United States; and they have ordered a federal city to be built, to prevent Philadelphia (London) or any other ſtate capital, from acquiring too great an aſcendency in the government of the United States; and thereby, creating through its influence an incorporate Union. If you examine minutely, the duties impoſed by the conſtitution upon the Congreſs, in its legiſlative capacity, for the Union, you will find, that out of ſeventeen, eight of them do with us belong to the crown in right of its prerogative; *e.g.* coining money, declaring war, &c. and four of them include matters of prerogative and legiſlation. The nature then of American government being republican, it became neceſſary that in conſtructing the federal conſtitution, thoſe powers, which as relative to England and Ireland, might by a partial exertion on the part of the one or other, do general miſchief,

or affect imperial intereſts, ſhould be committed to that body, which in the republic held prerogatives which in England and Ireland are exerciſed by the crown, as the centre of Union; and that, Sir, could only be the federal Congreſs, republicans not allowing to one man the right of involving a whole nation in a war at his own pleaſure; the ſame cautious and humane policy forbid that an individual ſtate ſhould blindly hurry the Union into a war. You will find, on conſulting ſection 2, article 1 of the federal conſtitution, that it is provided* "that every ſtate ſhall have one member in the Houſe of Repreſentatives, and that any additional number ſhall be in proportion of one to 30,000 inhabitants; and by ſection 3, of ſaid article, the Senate of the United States ſhall be compoſed of *two* ſenators from *each* ſtate, choſen by the legiſlature thereof for ſix years: and each ſenator ſhall have one vote: by ſection 8, page 13, Congreſs is to provide for organizing, arming, and diſciplining the militia, and for governing ſuch part of them, as may be employed in the ſervice of the United States, *reſerving* to the ſtates *reſpectively*, (they are not *cooked* then by an incorporation as you aſſert) the appointment of the officers, and the authority of training the militia, according to the diſcipline preſcribed by Congreſs. To exerciſe *excluſive* legiſlation, in all caſes whatever, over ſuch diſtrict, not exceeding ten miles ſquare, (incorporate America, notwithſtanding your inſinuations and aſ-

ſertions,

* Federal, not incorporate conſtitution of America, printed for Debrett, 1795.

ſertions, conſiſts of no more than ten miles ſquare; whilſt the federal, or, as you would wiſh to call it, the *imperium in imperio* America, extends over thouſands of miles) as may by *ceſſion* of particular ſtates, and the acceptance of Congreſs, become the ſeat of the Government of the United States." This correct ſtatement from an authentic document, I hope, has convinced you that America is no more a caſe in point, than the Sabines, both being federal, not incorporate Unions, and the American States, like the Governments of the Heptarchy, come into the general legiſlature on terms of political equality. Whatever difference of opinion, Sir, may exiſt reſpecting the Houſe of Repreſentatives, on account of the number of members increaſing in proportion to the population, none can by poſſibility ariſe reſpecting the Senate, for in that body it is, the States are repreſented, and that repreſentation which proves that they meet as States on equal terms, is the ſame throughout the federal Union. To this Legiſlative Aſſembly, is confined by the 2d ſect. of the 2d Article of the Conſtitution, the right with the Preſident and two-thirds of them approving, to make treaties, this power in particular, which they exerciſe conjointly with the Preſident, and many others which belong to them excluſively, form the unity and bond of government, in the producing of which, each being equally repreſented in the Senate, has equal power, and therefore can always defend itſelf againſt the ambition and intereſtedneſs of any particular State, ſhould it be urged to ſo unpatriotic an act, by its vanity or its pride.

When

When General Washington, as you observe on page 18, addressed the people of America on offering the present Constitution to them, he said, "In all our deliberations upon this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our property, safety, perhaps our national existence." All these reasons, Sir, might have been very cogent with the States of America, but convincing however as they might be to an American, General Washington did not think them strong enough to ask an Incorporate Union on the strength of them; but, Sir, whether they were strong or weak as addressed to Americans, they avail not, when offered to Irishmen; we can defend, and have defended our property, preserved our safety, and national existence for 632 years, by a *connection*, not a Union with England. I no where read, Sir, in your long quotation from General Washington's letter, that he proposes to any State to surrender its dignity to Philadelphia; *London*, on the contrary: I find national honour is prized so high in America, that no State would yield precedence to the other, and therefore Congress have allotted ten square miles, taking in a part of every State, for the federal Government, and entitled it not Pensylvania, or New-York, but United States. In regard to the Test Laws and religious establishments you speak of, on page 16, as being in the United States, no such things exist, unless an acknowledgment of the Supreme Being, be called one; in the pledge given by the President of

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the United States, it is worded, ſo as to ſuit either the man who will take an oath, or him who will only affirm. In America, I can aſſure you, Sir,

" No Teſt Act, there, with pious rancour reigns.
" No bloated Prieſts count godlineſs by gain,
" While ſtarving Curates ſupplicate in vain.
" As *all* religions with one voice agree
" To preach *good* morals, every ſect is free."

I have met you fairly in argument on ſome of the caſes brought by you to prove the propriety of an Incorporate Union, and I truſt, without vanity, expoſed their fallacy. and proved they were irrelevant. I will now ſhew you that if I had preferred precedent to reaſon, and the weight of a great name, to argument, that I could have overthrown your aſſertion by authority. This memorable treaty, (the Scotch Union) the *firſt* of the kind recorded * in hiſtory, " for there never was at any time or in any place an example of two Sovereign kingdoms *incorporating* themſelves in ſuch a manner." Theſe are the words of Lord Halifax, in a letter addreſſed to the Court of Hanover, on this welcome and intereſting occaſion. I will now, Sir, with your permiſſion, diſcuſs the queſtion of the Scottiſh Union; and when I look back and conſider the manner in which that meaſure was carried into effect, as well by the Scottiſh, as the Engliſh Miniſtry, language cannot ſufficiently expreſs my feelings, in reading of conduct ſo baſe and treacherous, ſo mean and arbitrary; this treaty, which we are told was for the

benefit

* Belſh. 239.

benefit of both countries, was debated in private by the consent of the Commissioners of both kingdoms, and * "The day on which the Articles of the Scottish Union were presented by the respective Commissioners to Queen Anne, she dictated an Order of Council, that whoever should be concerned in any discourse or libel, or in laying wagers relating to the Union, should be prosecuted with the utmost rigour of the law. Since the creation of the world, has there appeared more unfair dealing in any business in which the interests of a nation were concerned, than this? What, Sir, a measure proposed, which I am told is to render me great service, and yet I must not discuss it! If the arch-angel, Michael, were to be the bearer of such a message, I would not believe him, but reply, "Begone, thou fiend, to the habitations of the spirits damned; for that alone can be the place of thy nativity;" 'tis only fraud and superstition that require the aid of power, good faith and honour seek no such ally. But I will, for the present, suppose, that the Scottish Union was conducted on the principles of honour, and then see whether any or all the reasons which might have induced an honest, though not a magnanimous Scot, to have agreed to the Union, do or do not apply to Ireland; because if they do not, Scotland, the *only* instance in the world of an Incorporate Union, is not a case in point.

First. Scotland wanted that great palladium of a people's liberty, the Habeas Corpus act, and which England enjoyed, together with more equal laws generally,

* Smoll. 2 vol. p. 76.

generally, and greater protection which the inhabitants of that country received, by its having earlier emancipated itſelf from the feudality of the north.

Secondly. The danger of having a different Sovereign on the death of Queen Anne, from that of England, and the poſſible conſequence of not only the whole kingdom being obliged frequently to draw itſelf from the arts of peace, to maintain their right in the field to exerciſe thoſe arts, and the certainty, by the experience of ages, that a country ſo conterminous to a richer and more populous nation, like England, muſt ever expect to have its frontiers ravaged and depopulated by an invading foe; Nature, and Nature's God, have been in this, as in every thing elſe, the guardians and defenders of Ireland.

Thirdly. A reaſon that flows from the former, as a corollary, the phyſical union of the *two* countries, in *one* iſland.

Fourthly. The impoſſibility of trading either to England, the Plantations, or the Eaſt Indies, without a Union, and the *certainty* of trading with it.

Fifthly. As a corollary flowing from the laſt ſtated reaſon, the deſire increaſed, and the neceſſity made more urgent, by the failure of the Darien Company, and which, added to the honeſt, though not magnanimous Scot, as I have termed him, a company of bankrupts, ready to ſell the independence of their country, to repair their ſhattered fortunes. That theſe perſons were greatly influenced by the commercial advantages which they were ſure of *reaping* by it, and could not *gather* without it,

I ſtate

I ſtate on the authority of an Engliſh hiſtorian,* who has diſgraced his name and country, by uſing the word honourable, when ſpeaking of a diſhonourable and inglorious action; his words are, "Alſo thoſe who had engaged far into the deſign of the Darien Company, and were great loſers by it, ſaw now an honourable way to be reimburſed; which made them wiſh well to the Union and promote it."

Sixthly. The Scotch had no naval protection for their partial commerce, and therefore a Union to them, with a country whoſe fleet was ſuperior to that of the world, became a reaſon with the wiſe part of the community for acceding to it, and an object to all.

Seventhly. Although the Scotch in agreeing to the Union ſacrificed national glory, yet they obtained all the poſitive advantages here enumerated by the very act of ſigning the deed of Union, and took their chance for the contingent advantages of Engliſh capital, and that farago of nonſenſe, with which the advocates of an incorporate Union ſtun our ears in every company.

Eighthly. The danger at *that* time of the Pretender re-aſſerting his claim to the Throne of Scotland, which would have been greatly ſtrengthened by the death of Queen Anne, if no ſucceſſor had been named previous to her death.

Ninthly. The Scotch were conſidered as aliens in England, and had the ſtatute by which they were deemed aliens repealed; I do admit before the Union, but

* Tindal, 3d vol. p. 511.

but certainly the Engliſh Parliament conſidered the ſigning of the treaty, as the purchaſe money of that repeal. Now the Iriſh are not aliens in England, and by the oppoſition the Britiſh Miniſter ever gives to the paſſing of an abſentee tax in this country, it is not very likely they ever will be declared aliens; the Engliſh nation knows the value of money too well, to alienize two millions ſterling. Now, Sir, I defy you, with all your ſagacity, to point out any one of the nine reaſons here aſſigned for the Scottiſh Union, applying to the incorporate Union of Ireland. We are not, as they were, without a Habeas Corpus act; and though ſome men of high naval rank have dared, in particular inſtances, to convert this firſt of bleſſings into an engine of oppreſſion, by making *falſe* returns to writs, yet thoſe who have witneſſed the judicial dignity of the Court of King's Bench laſt term, when only a *ſuggeſtion* of ſuch a conduct was made at the Bar, are in no great apprehenſion that a conduct, which is as unbecoming of the gentleman, as it is derogatory to the naval rank of him who has practiſed it, will ever be renewed. This conduct, with the no leſs conſtitutional enforcement of obedience to a writ iſſued by that court, to bring up the body of the late Mr. Tone, but to which obedience at firſt was refuſed, are the beſt and ſtrongeſt refutation I can give of your libellous and daring aſſertions reſpecting the Judges, of the land, in your attack on the Bar, pages 34 and 35. That court enables me to ſhew you three Judges, every one of whom made the Houſe of Commons the veſtibulum to the Bench; yet, on theſe important occaſions, they neither mani-

feſted an ignorance of the laws, nor a want of judicial firmneſs; and the ſecond Judge of that court, with Mr. Baron George, are proofs that profeſſional knowledge and an honourable diſcharge of the duties of ſubordinate ſituations do not make a ſeat in Parliament the "one thing needful," to ſitting on the Iriſh Bench; forced as I am, to give a candid opinion of the Iriſh Bench, as compared with the Engliſh, I will not heſitate to pronounce what at any other time, and on any other occaſion, might be conſidered abject ſervility, a character which I have no heſitation in ſaying will never be imputed to me, by thoſe who know me, that I do, in the face of my Country, and in the preſence of the Supreme Being, declare it as my opinion, that the abilities and talents of the Judges of the two countries, fairly and impartially conſidered, are at this moment on a *perfect* equality. Before I return to the Scotch queſtion, I will ſay, and ſtake my profeſſional character as a lawyer with the Bar, and my Country, that no pamphlet has been written by any convicted libeller within the laſt two years, on whom the vengeance of the law has fallen, ſo libellous, and ſo treaſonable, as that which public rumour has given to you; and there was a period in Iriſh hiſtory, and that within my memory, when an Attorney General would not have thought he diſcharged his duty to the Country, if he had not indicted the author for high treaſon, unleſs the patriotiſm of the Houſe of Commons had preferred an impeachment, as a puniſhment better adopted to meet the different degrees of crime, with which this pamphlet abounds. If the author of this pamphlet, be

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he who he may, is not puniſhed, I will then indeed believe, what he has laboured ſo anxiouſly to prove, that Iriſh intereſt is ſacrificed to Engliſh, and will ſay with the poet,

——————" Plate ſin with gold,
" And the ſtrong lance of juſtice hurtleſs breaks;
" Arm it with rags, a pigmy ſtraw doth pierce it."

Given, as I ever have been, and ever ſhall be, to find fault with the conduct of public officers, if I ſee reaſon for it; I never have, nor will I ever in condemning the man, or the particular meaſure which calls in my mind for reprobation, endeavour, as you have, to excite in the public mind an abhorrence of the conſtituted authorities of the ſtate, where I either reſide, or occaſionally live in; and let the world from the difference, not only of our ſentiments, but our conduct on this occaſion, learn it is neither the lover of reform and democracy who wiſhes to deſtroy all veneration for antient inſtitutions, and national government, however anxious he may be to give them a direction more ſuitable to their original creation, but, the idolizer of tyranny, and the advocate of national humiliation. But, Sir, to return to the firſt of nine reaſons which might have influenced an honeſt Scot at the time of the Union: you will pleaſe to remember, that the latter part of that reaſon, mentions, that the laws of England were more equal than thoſe of Scotland, and the ſubjects found more protection from the law in the former, than the latter, a *glorious* ſuperiority,

" Which man to ſpeak, and angels joy to tell,"

would

would that this were always, would that it were her only ambition, then indeed would her very enemies rejoice in being vanquiſhed by her. Let Iriſhmen, let modern Britons, be inſtructed by this Scottiſh reaſon for ſurrendering national glory, "better protection! more equal laws!" modern theory, proved by antient practice. This latter part of the firſt Scottiſh reaſon, however right it may be to pervade our minds, and influence our practice, is not in *point* of law, true; and although ſome may imagine that the violence which for a ſeaſon, diſgraced certain bodies of Iriſhmen, invalidates this reaſoning, I contend it does not, and anſwer them in the words of Zamti:

——Tho' ruſſian pow'r
May for a while ſuppreſs all ſacred order,
And trample on the rights of man; the ſoul,
Which gave our legiſlation life and vigour,
"Shall ſtill ſubſiſt above the tyrant's reach.
—"The *ſpirit* of the laws can never die."*

The ſecond reaſon reſpecting the danger of a different Sovereign has no exiſtence; and becauſe, no ſuch danger does exiſt, your aſſertion, page 11, "that Ireland ſtands at preſent in the ſame ſituation as Scotland did before the Union," is not true in fact; but the danger of not continuing to have the ſame Sovereign, might well affect the good, and wiſe, in both countries, who by anticipation figured to themſelves the future ſlaughter and devaſtation which might by poſſibility ariſe from the ambition of neighbouring Sovereigns,

* Second Act of the Orphan of China, by Arthur Murphy, Eſq.

Sovereigns, whoſe territories, and whoſe boundaries were not meted and fenced by a St. George's channel. The ſtatutes of declaration and recognition, do, by joining the two crowns in the natural perſon of the Engliſh Sovereign, place in his hands by prerogative, thoſe powers which alone can endanger the ſecurity of conterminous ſtates, the *powers* of peace and war, and thereby diſſipate in the minds of the people of England, thoſe fears which they entertained reſpecting the dubious Scottiſh ſucceſſion. And as to your attack on the independent legiſlature of Ireland, page 13, for their conduct at the time of the Regency, which received the approbation of the whole people of Ireland; I anſwer, that firſt, you are an Engliſhman, and therefore no judge of the duties, nor an advocate of the rights of an Iriſh legiſlature; and ſecondly, Sir, I refer you to the Journals of that Houſe, of which you are a member, for the cenſure paſſed on thoſe, who, like you, preſume to arraign a proceeding, ſo conformably to the only caſe at all analogous in hiſtory, the appointment by addreſs of the Prince of Orange, at the Revolution. Proceedings, more legal, more parliamentary, or more conſtitutional, never were reſolved on in any parliament, than thoſe on the Regency, which, notwithſtanding your original diſapprobation of them, have received the ſanction of the preſent keeper of the King's Engliſh conſcience, one of the Secretaries of State, and other members of the preſent Britiſh Cabinet. But what is of much more conſequence, it has been ſanctioned by the approbation of him, who is moſt materially intereſted in the propriety of the meaſure, the Prince of Wales.

Paſſing

Paſſing over the third, fourth, and fifth reaſons, Sir, for the Scotch aſſenting to the Union, as not requiring any comment, carrying in themſelves ſufficient proof of their non-application to Ireland, I ſhall make an obſervation on the ſixth, for the ſake of remarking on your aſſertions, page 50, reſpecting the defence of Ireland, as inſultingly, as incorrectly ſtated. The ſixth, ſtates the Scotch to have had no navy for the protection of her trade, and ſo you ſay of Ireland; this propoſition I deny upon the authority of one, whoſe memory is reſpected for the exertions he made in the cauſe of Ireland in the year 1782; I mean the late Henry Flood, who ſpeaking on the Commercial Propoſitions in 1785, to this very ſubject,* he ſaid "above a hundred years ago, in the fever of the reſtoration, and in the infatuation of this kingdom, Ireland had made a perpetual grant for the ſupport of an Iriſh marine. This, England never permitted to be applied. Why? Becauſe ſhe wiſhed that Ireland ſhould have no marine; becauſe ſhe wiſhed to have a monopoly of navy to herſelf—for what purpoſe, let her ſubſequent conduct to Ireland explain. What follows? Engliſh Miniſters in *ſpite* of law, *diſappropriated* this fund, and applied it to an *overgrown* land army, *rather* than to a marine. The *defence* of *this* land army Britain had, and Ireland had the *burden*. With what grace could Britain, with what grace can Mr. Cooke after this, come to Ireland, and ſay, you do not ſupport a marine; when Britain herſelf prevented Ireland from doing ſo? When a monopoly of navy was the choice of Britain;

what

* Woodfall's Debate, p. 89.

what right had ſhe to ſay, that Ireland ought to pay Britain, for her having her own choice? When Britiſh Miniſters, contrary to legal appropriation, had applied the marine fund of Ireland to a land army, for the convenience of Britain, what right had they to come to Ireland to demand a new marine fund; and that, not for an Iriſh marine, but for the Britiſh navy." I think it will be generally admitted, that the ſluice I have drawn up, has let in ſuch waves of argument, as have drowned you in the flood. Permit me now, Sir, to aſſign another reaſon, why we are entitled to the protection of the navy, not of England, but the empire, and which is doubly ſtrong, becauſe it will prove, that it is not in the power of the Britiſh Miniſter to take it from us; Great Britain could not, without the natives of this country, man ſuch a fleet as that under Lord Howe, on the glorious firſt of June, and carry on her commerce: in that very fleet there was a ſhip, the Invincible, not the leaſt diſtinguiſhed on that memorable day, commanded by our countryman, Capt. Packenham, manned, as I have ſome reaſon to believe, with none but Iriſhmen; upon the whole, I do, from actual knowledge, as far I can pretend to ſpeak, without having ever counted numbers, declare it as my opinion, that the Britiſh navy, including the officers and privates of the marine corps, does *communibus annis*, owe half its ſtrength to the people of this kingdom; yet my ears have been frequently aſſailed by declarations of Engliſh officers, that they would have no more Iriſhmen on board their ſhips than mainmaſts. To myſelf, Captain Milliken, who commanded

manded the Dunkirk at Plymouth in 1782, ſaid, on ſeeing two or three very fine Portugueſe on the quarter-deck, I would rather have thoſe men, than ten of your damned infernal countrymen; national feelings were ſuperior to perſonal ſafety, and I replied, " If you were any where elſe but here, you dare not ſay it." He was too old to be affronted by a boy, and my years ſaved me from the puniſhment which I had incurred under the articles of war. Such is the contumely with which Ireland and Iriſhmen have always been treated by England and Engliſhmen. Convicted on this head you now are, Sir, of ignorance, or miſrepreſentation, and I give you your choice; if the former, you prove your utter incapability to inſtruct the nation on a ſubject, which includes every thing that is dear to man, being *inops conſilii* on ſome eſſential points, the rightly underſtanding of which, are eſſentially neceſſary to the forming a grave opinion, on ſo momentous a queſtion; if the latter, then have we proof poſitive, you will ſacrifice truth, and Iriſh honour, to the intereſts of what you deem " your better country." Your aſſertions, reſpecting the military force, are, if poſſible, more inſulting, and equally void of all foundation; indeed, Sir, your memory on this ſubject, ſeems to be formed after the faſhion of your prototype, Mr. Pitt, at the Old Bailey, on the trial of Mr. Tooke, where I witneſſed his " remembering to forget" every circumſtance attending the moſt material act of his life; yes, that very act, to which he now owes his elevation; every faculty of my mind muſt be annihilated, before I

can

can believe ſuch a thing poſſible. You, Sir, who have been ſo long a military ſecretary, and attended the paſſing of the mutiny act ſo frequently in the Houſe of Commons; you who have been for more than twenty years about the Caſtle, in ſome ſhape or other, not know the compact entered into by this country, during the vicegerency of the Marquis Townſhend, for the raiſing and paying 15,000 men, 12,000 of whom were to be at *all* times in this kingdom, and of the repeated violations of that compact! Search, Sir, the journals of the Houſe in which you ſat, and you will find, that the military returns for the year 1777, ſtate but 3,000 men to be in the kingdom; though, by ſacred faith plighted, the country was never to be without 12,000, the ſurplus having been raiſed for the expreſs purpoſe of accommodating Great Britain, that being the *quota* agreed upon by the cabinets of the two countries, to be ſent by this kingdom, to the army of the empire. And where, Sir, were the 11,000 men ſent from this country? I will tell you, in the language of Mr. Pitt, when in one of his inſane fits of liberty, on his firſt entering the Houſe of Commons of Great Britain, he told that houſe, "the army of the empire was mouldering away by ſickneſs in America, or *only* obtaining victories over our brethren there, fighting in the *holy* cauſe of liberty." Yes, Sir, to America they were ſent, to prevent the eſtabliſhing of that conſtitution you have ſo miſrepreſented. Can you, Sir, forget, that in the following year, 1778, when the ſovereign of Belfaſt wrote to Government for a military force

to protect that town from ſome French privateers, that the Lord Lieutenant could ſend no greater force than a diſmounted troop of horſe, and a company of invalids? Do you forget, that about this time, Great Britain, whom you ſay protects us, did tell us then, we muſt *protect* ourſelves, notwithſtanding we paid 12,000 men for that purpoſe? and Great Britain, in violation of compact, took them to aid her, in her war againſt freedom, declared to be ſo by the infallible authority of Mr. Pitt; but in fighting againſt liberty, the Iriſh arm was unnerved, and that it may ever be ſo, "God, of his infinite mercy, grant." And did we then manifeſt an inability to afford ourſelves protection! No, Sir, that patriotic band, the Iriſh Volunteers, protected Ireland free of *national* expence, while her army, paid for that very purpoſe, fought the battles of Britain. Yes, Sir, that body of men, from "whoſe merit," you ſay, on page 43, "you do not mean to detract," though on page 48, you dare, in a covered way, to traduce their memory, by inſinuating that they have done ſomething which they ought not to have done. Sir, no man applies the phraſe "took advantage," to an honourable tranſaction; it is only when we ſpeak of ſomething baſe, we uſe it, not when we have obtained redreſs by an application to the law; and I would have you to know, that the ſame right, which the law of the land gives to an individual, to avoid a deed, ſigned by him in confinement, or by compulſion, Nature, and Nature's God has given to nations; and the Volunteers in declaring the deed by which the legiſlative rights of Ireland had been

transferred

transferred to Great Britain to be void, the ſame having been obtained by force, fraud and covin, acted as the ſons of *him*, who wills the freedom of all *his* creatures, protected by *his* power, animated by *his* ſpirit; and relying on the juſtice of our cauſe, if Great Britain will make uſe of her 40,000 ſharp arguments, to convince us we ought to dethrone the king of Ireland, we will dare to meet her in ſupport of *his* crown, and we ſhould doubt the exiſtence of a Providence, if we doubted of ſucceſs."* Sir, a malignant fever raged in your veins, and thoſe of ſome you are intimate with, at the inſtitution of the Volunteers; and, though acting under its influence, from that day to this, none of you have ever dared openly to condemn them; yet you have ſecretly aſperſed them, neither will you ever forgive them the original ſin, of eſtabliſhing the independence of the Iriſh Legiſlature; you, Sir, would prefer being a clerk in a provincial regiſtering aſſembly to the Britiſh Parliament, rather than a member of a national legiſlature. On this ſubject of Ireland being protected by England, I would proclaim it to the world, that her Volunteers protected her in the year 1781; when the pride of Britain, commanded by Sir Charles Hardy, fled up the Engliſh channel, before the combined fleets of France and Spain. You ſeem, Sir, to have forgotten, what, as military ſecretary, you could not but have known, that Mr. Pitt, during the Weſtmoreland Adminiſtration, ſtripped

* Addreſs of the Dungannon Convention in 1782, to the minority of both Houſes of Parliament.

ſtripped this kingdom of its troops, in violation of the compact recited, to ſend them, I ſuppoſe, to fight "in *his* holy cauſe of liberty;" ſhort as his memory is, yours indeed muſt be ſhorter, if you have already forgotten, that in your place, in the ſenate, you oppoſed a motion, made by Sir Laurence Parſons, on this ſubject. Thus, Sir, have I endeavoured to refute your aſſertions, page 50, reſpecting the protection afforded by England, ſtated in language, the moſt inſulting, and which, not being founded in fact, adds injury to inſult; conduct ſuch as this, is well detailed by the royal pſalmiſt.* "For it was not an enemy that reproached me; then I could have borne it: neither was it he that hated me; but it was thou, a man, my equal." I truſt Sir, my countrymen of all ranks and deſcriptions, of all ages and religions, will make the juſt improvement of this paragraph, with which you have favoured them, that they will from it practice, as men, the moral of that leſſon which they learned as children — "the bundle of ſticks;" that they will adjuſt their differences, and, above all, remember that, by whatever creed they worſhip, they are not the diſciples of him, whoſe religion they profeſs to be of, if they do not forgive each other. Yes, my Countrymen, by whatever particular name you are known, by

——— "Whatever title pleaſe thine ear,
"Dean, Drapier, Bickerſtaff or Gulliver."

let us remember that if we are, what we ſtile ourſelves, Chriſtians, it is our duty as ſuch, and

our

* 55th Pſalm, 12—13.

our intereſt as a nation, to fulfil the goſpel precept, " of loving one another, as our Lord loved us."† We are, in conſequence of our mutual bickerings, and railings, about to have our national honour, our national independence aſſailed; and with it, all thoſe advantages, which ſo abundantly follow in the train of commerce, unſhackled by the partial laws of a foreign legiſlature, preventing a people, who, for 632 years, had unceaſingly ſhewn by acts, that ſpoke trumpet tongue, an intereſt diſtinct from this country, which makes it idle to ſuppoſe, that a principle now worked into habit and prejudice by time, and ſanctioned by antiquity, ſhould be ſuddenly laid aſide. It is incumbent on the advocates for a Union, to ſhew that England has hitherto in her tranſactions with this country acted with Roman faith; I will, in the ſequel, prove ſhe has with Punic; for the preſent we will hear Mr. Pitt on the policy obſerved by Britain, from the Revolution to 1779, as ſtated by him in his ſpeech, February 22d, 1785, on introducing the Propoſitions paſſed by this country, into the Britiſh Houſe of Commons, where they were converted into *the* twenty reſolutions that contained the *degrading fourth* Propoſition, which, though only to make a *partial* ſurrender of national dignity, damned them with my brave and generous countrymen. " * The Houſe," he ſaid, " would recollect that, from the Revolution (a ſufficiently long time to prove to us the principles they were actuated by, and the *juſtice* that influenced thoſe principles) to a period within the memory of every man who heard

† St. John, 15th chapter, 12th verſe.

* 17th Vol. Parl. Reg. 249.

heard him, indeed until theſe very few years, the *ſyſtem* had been that of *debarring* Ireland from the *enjoyment and uſe of her reſources*; *to make the kingdom* completely *ſubſervient* to *the intereſts and opulence of this* country, without *ſuffering* her to *ſhare* in the *bounties* of nature, in the induſtry of her citizens, or making them contribute to the general intereſts and ſtrength of the empire." You have Mr. Pitt's authority for two things; firſt, that "*the general intereſts and ſtrength of the empire*, can be promoted without the *annihilation* of the Iriſh Legiſlature; and ſecondly, that by the Engliſh *ſyſtem*, Ireland was "*debarred from the enjoyment and uſe of her own reſources*;" and this, for what? The ſame Right Hon. Gentleman will tell us, "*to make* Ireland *completely ſubſervient to* England." A country, acting in ſuch a manner for nearly a century, offers good moral ſecurity, for continuing a *commercial* equality with another country, when ſhe ſtipulates her own legiſlature, teſſelated with a few ſenators, from what ſhe will deem the provincial one, ſhall be the judge of that equality. What, my countrymen, ſubverted this ſyſtem, detailed by Mr. Pitt? Britiſh juſtice? No! the Volunteer Inſtitution, the Parliament of Ireland, "they ſpoke, and it was done; they commanded, and it fell." My higheſt ambition is to animate you to tread in their legal, glorious, and conſtitutional ſteps; like them, let patriotiſm form an indiſſoluble bond of friendſhip between diſcordant ſects; like them, reverence and reſpect the laws; and like them, *ſwear* you will *pay* no obedience to any power on earth, but the King, Lords,

and

and Commons of Ireland; by ſuch a conduct as this, we need not fear to meet the aſſailants of national dignity.

" I own the *glorious ſubject* fires my breaſt,
" And my ſoul's darling paſſion ſtands confeſs'd;
" Beyond or *love's* or friendſhip's ſacred band,
" Beyond *myſelf* I prize my native land;
" On this foundation would I build my fame,
" And emulate the Greek and Roman name,
" Think Ireland's peace bought cheaply with my blood,
" And die with pleaſure for my country's good." *

I will now take a conjoint view of the treatment Ireland and Scotland have received from England, in order to ſee whether it will not afford an unanſwerable argument againſt *ever again* coming under a Britiſh Parliament. Firſt, as to Ireland, and to go no farther back than the reign of Charles II. " the Navigation Act, forbids the importation of certain articles from † the Plantations, into Ireland, and which are particularly ſpecified; Ireland conceding the uſurped power of the Engliſh Parliament to make the law, had a right to import the non-enumerated articles; but even the legal and rational conſtruction of an Act of Parliament, was too great a favour to be granted to Ireland, by Engliſh Commiſſioners of Revenue; and, therefore, executive tyranny was called in, to ſupply the deficiency of legiſlative injuſtice; and the ſtatute received the *equitable and rational conſtruction* of, *intending to forbid* the Iriſh merchant from importing into this country, the *un-enumerated*, equally with the enumerated articles; hear this, Iriſh merchants, and tremble

* Rowe. † Anderſon's Hiſt. Com.

ble for your commerce while you hear! if a Union ſhould take place; and above all, know, that this act of executive tyranny was legalized by ſtatute in the reign of King William, the un-enumerated articles being then inſerted in an Act of Parliament: In this reign alſo, as has been already ſtated, the Lords and Commons of England addreſſed the King, to ſuppreſs the woollen manufacture in Ireland, with which requeſt his Majeſty declared he would comply; let the importations of Engliſh cloth, to this hour, decide whether he attended to the prayer of this tyrannous, and iniquitous addreſs. In this reign, the caſe of Ireland, written by Molyneaux, was burnt in London by the common hangman, in obedience to the order of an Engliſh Houſe of Commons. The copper coin of Ireland was permitted to be debaſed, in the reign of George I. to ſatisfy the griping avarice of an Engliſh merchant; and Swift, the beſt and ſincereſt of patriots, for expoſing its baſeneſs, had a price put on his head, and would, at the time, have ſuffered under the fury of miniſterial vengeance:

"But not a traitor could be found
"To ſell him for three hundred pound."

Such was the ſyſtem adopted for Ireland, when *provincially* united to England; a Union, which has not impreſſed Iriſhmen with ſuch high ideas of either her honour, or her generoſity, as to deſire an *incorporate* Union; and ſurely no Iriſhman can be charged with partiality, for holding this opinion, when even two Engliſhmen have ſanctioned it by the accounts which they have given, at two different periods;

periods; the one, Sir John Davis, Attorney General, and Speaker of the Houſe of Commons of this country, in the reign of James the Firſt; and the other, Mr. Pitt, in the preſent reign, when but one remove from his venerable and illuſtrious father, (one, who was

"Form'd with reſiſtleſs eloquence to charm,
"And Britain's ſons with *patriot* ardour warm")

ſpeaking of this ſyſtem, farther on, in the ſpeech already quoted, he ſays, "That which had been the ſyſtem from the Revolution, *counteracted the kindneſs* of Providence, and *ſuſpended* the *induſtry* and *enterpriſe* of man. Ireland was *put* under ſuch reſtraint, that *ſhe* was *ſhut* out from *every* ſpecies of commerce—*ſhe* was *reſtrained* from *ſending* the *produce* of *her own ſoil* to *foreign* markets; and all correſpondence with the Colonies of Great Britain was prohibited to her, ſo that ſhe could not derive their commodities but through the medium of Britain." Having, by the authority of Mr. Pitt, and with the ſanction of his name, faſtened on England a ſyſtem, which in another part of the ſame ſpeech, he calls, "cruel and abominable," I will proceed to ſhew, Sir, what I have promiſed, that England, in any contract ſhe has made with this country, has obſerved it with Punic faith. To eſtabliſh the truth of the poſition, it is only neceſſary, to reſtate the compact reſpecting the troops, which ſhe has religiouſly obſerved, when ſhe had no deſire to break it, and ever broke it, when her intereſt required it, regardleſs of the defenceleſs ſtate of this country, as has been already proved, by a recital of Lord Buckingham's anſwer to the Sovereign of Belfaſt;

nor is the inſtance I have given of the removal of troops, during the Weſtmoreland Adminiſtration, a proof of her having improved under the auſpices of Mr. Pitt in that moral quality, honour; or her taking, in the year 1785, 140,000*l.* per ann. additional duties for commercial advantages to be granted, which, to this day, have never been given. In viewing the conduct obſerved towards Scotland ſince the Union, I cannot ſay that it has pleaſed me in any caſe, where the intereſt of Scotland came, or was ſuppoſed to come in contact with that of England. On three memorable queſtions, ſince the Union, have the rights and intereſts of the Scottiſh nation been ſurrendered to the intereſt, and ſacrificed for the advantage of the Engliſh people. Theſe ſacrifices made, fall under three heads, and form three objections; the third and laſt will enable me to introduce Ireland again.

1ſt, The malt-tax.

2d, The law of treaſon.

3d, The abrogation of the rights of the Scottiſh Peerage, in violation of the Union, and the conſtruction put on it, by the Lords in 1708-9 and affirmed in 1787.

The malt-tax comes firſt under conſideration. On the malt of Scotland it was agreed, at the Union, no tax ſhould be laid on it during the war; but a Legiſlature, the majority of whom, was, by ſituation, placed above the reach of public opinion, the beſt ſecurity of national rights, and the ſtrongeſt incitement to the honourable diſcharge of public duty, contemned the cenſure of a people they conſidered but as ſtep-children; they paſſed this tax

in

in violation of the agreement, and in oppoſition to the united voice of the Scottiſh members in both houſes of Parliament. This circumſtance, practically proved to the Scotch, the abſurdity of having a foreign Legiſlature to watch over their intereſts; and at a general meeting of the Lords and Commons of Scotland, it was reſolved, that a bill ſhould be brought into Parliament to diſſolve the Union. Accordingly the Earl of Findlater,* aſhamed, I preſume, as Judas was of his *ſhekels*, and tired of his ſhackles, ſtepped forward in the upper houſe, (the only place where the rules of Parliament would allow of its being offered, without aſking permiſſion) the advocate of his country's natural and inherent rights, but ſoon found that the Caledonian Sampſon met a Delilah in his ſiſter England.

The

* This noble lord will be found among the Scottiſh worthies who ſold their country; his ſervices were eſtimated at 1001.

I have been told by a very old and very reſpectable gentleman, that Sir David Dalrymple, one of the Scotch members, having by this, and one or two other ineffectual ſtruggles in defence of the particular intereſt of his own country, learned that all ſuch attempts were vain, and that every queſtion of that kind would be decided, not by *reaſon*, but votes, called his colleagues together, and pointed out the abſurdity of ſuch an oppoſition, but the ſtill greater one, of not making the moſt of their ſituation. Since their efforts could not ſerve Scotland againſt the Engliſh intereſt, he propoſed they ſhould form themſelves into a ſquadron to ſupport the Miniſter on every queſtion; and that the doceur obtained for their *good-will*, ſhould be equally divided among them; and obſerved, that if they offered their ſervices individually, they would be rejected, and the Scottiſh repreſentation would be minus, the ſum, the Miniſter would otherwiſe

give.

The ſecond objection derives all its ſtrength from the people not chooſing it; my own opinion is, they were ſerved by the alteration.

I will take leave to ſay one word reſpecting Ireland, before I conſider and comment on the third objection.

In the view which I took of the injury done under the head of Ireland, to the different particular intereſts, I purpoſely omitted the conſideration of the rights of one order of men, conſidered in their mere abſtract capacity, that I might introduce it here, as a place more ſuited to their exalted rank; but I muſt be allowed firſt to remind you, that I have, by inconteſtible facts from Engliſh and Iriſh records, proved, that at the period when the *provincial* Union ſubſiſted between England and Ireland, the *intereſt* of the *fiſhermen*, the *manufacturers*, the *traders*,

give. This propoſition, my reporter tells me, was agreed to nem. con. and the bargain ſtruck; ſome are even diſpoſed to believe, that the leaſe then made, was that of lives renewable for ever; and it is ſaid a clauſe of an unuſual nature is inſerted in this leaſe, that every *heir*, on coming into poſſeſſion, pays a fine to the tenantry. Now if it be true, as a friend of mine has lately pointedly obſerved, "That where the Miniſter is, there will they be alſo," what is to become of the *liberties* of Engliſhmen ſhould a Union take place, if the members of the Iriſh Parliament deſerve the character given of them, by the author of the pamphlet I am anſwering? for the world knows that Paddy is too fond of his friend, to prefer coventry to *company*; it is probable, therefore, he may like Sawney's port ſo well, as to wiſh to take a glaſs, and in revenge for the injury done to his own country, aſſiſt in drowning the liberties of England.—Gee ho, John Bull, part not with the whip-hand.

traders, the *merchants*, and with their intereſt, that of the *landed property* of Ireland, was ſacrificed to the Engliſh people. To the landed gentlemen of Ireland, before I addreſs the noble order, whoſe honours, as ſuch, ſhall next be conſidered, I would ſpeak one word; they, I know, pride themſelves on their high notions of honour; to that honour I at preſent addreſs myſelf: is the *annihilation* of the *exiſtence* of the two houſes of Parliament that diſcovered the *conſpiracy*, the préciſe mode that men of honour would take to evince their gratitude for that favour?

I now recur to the third objection, and that, to ſhew to the peers of my native land, that in the violation of the privileges of the Scottiſh peerage, they read their own, as certainly as effect follows cauſe, from the moment they commit their honours to the cuſtody of the Britiſh Premier. The advice, which, with dutiful ſubmiſſion and reſpect I would preſume to give them, is, conſider, "for after judg-" ment, death."

To ſee more clearly the injuſtice of that deciſion, by which whatever of independence there might have exiſted in the Scottiſh peerage is completely deſtroyed, by permitting the peers of Great Britain to have a voice in electing, *not* the *Repreſentatives* of the Scottiſh peerage, but of a *mongrel* peerage, whoſe intereſts, whoſe ideas, and whoſe ſentiments muſt be Engliſh, not Scotch; and therefore no longer the guardians of the intereſts of Scotland in the houſe of Lords, the *neceſſity* for which Scottiſh guardians is admitted by the very terms of the Union, which provide that ſixteen pro-

tectors,

tectors of her rights ſhall ſit in the upper houſe, it will be neceſſary to ſtate a tranſaction that took place in the Scottiſh Parliament, when the Union was debated, and which bears on the preſent queſtion. A clauſe was propoſed, expreſsly guarding the rights of the Scottiſh peerage, and which if agreed to, would have made the reſolution of the Britiſh Lords in 1708 9 unneceſſary, that reſolution, paſſed on the 1ſt of January, in that year, * is conceived in the following words: "That a peer of Scotland claiming to ſit in the houſe of Peers by virtue of a patent paſſed under the great ſeal of Great Britain, and who now ſits in the parliament of Great Britain, *had no right to vote in the election of the ſixteen peers of Scotland in Parliament.*" What has ſince been done with this *legal, rational,* and *juſt* reſolution, will appear in the ſequel; the clauſe was however withdrawn, and it was aſſerted that it would be better to leave it to the houſe of Lords to decide on, whenever any caſe might ariſe which ſhould make ſuch a deciſion neceſſary. The caſe did ariſe in the perſon of the Duke of Queenſbury, created Duke of Dover. On this occaſion, and at this time, when all the parties were alive who had aſſiſted in making the treaty of Union, and who therefore, muſt be ſuppoſed as well able to explain the expreſſed and underſtood rights and intereſts, ſecured or created by that treaty, as their poſterity four-ſcore years after them; I ſay we may preſume *theſe* were all conſidered and debated, and they did by their reſolution prove, that the Scottiſh Lords had expreſſed ill-founded

* Note 7 to page 97, of Chriſtian's Ed. of Black. Com. Vol. 1ſt.

ill-founded fears, and that in the *juſtice* of the Britiſh Peers, they had ample ſecurity for the rights of their Peerage.

On the 13th of February 1787, Mr. Pitt, Miniſter, it was reſolved, that the Earl of Abercorn and Duke of Queenſbury, who had been choſen of the number of the ſixteen Peers of Scotland, having been created Peers of Great Britain, *thereby ceaſed to ſit in that Houſe as repreſentatives of the Peerage.** With this reſolution I quarrel not; it is founded in law and juſtice, and conformably to reaſon, and is affirmatory of the principles, on which the reſolution of 1708—9 is founded. In conſequence of this reſolution, two vacancies aroſe in the Scottiſh Peerage, and at the election which enſued, the Dukes of Queenſbury and Gordon gave their votes as Peers of Scotland, in manifeſt violation of the reſolution of 1708-9, founded, I contend, in law, and ſupported by reaſon and juſtice; the *legality and juſtice of it* did, on this election, come again before the Lords, and their Lordſhips did again affirm it; and directed by their reſolution of the 18th of May in this year, that a copy of the reſolution of 1708—9 ſhould be tranſmitted to the Lord Regiſter of Scotland, as a rule for his future proceeding in caſes of election. This determination ſtrictly conſiſtent with law, and ſanctioned by precedent, did by a fortunate concurrence of circumſtances wonderfully ſerve the Miniſter, as he thereby got ſome additional friends in the Scottiſh Peerage; and more ſtrange to tell, by ſome extraordinary chance, the reſolution of the 23d of May 1793,

* Annual Reg. for 1787, page 95.

1793, which we are about to conſider, and which repeals the reſolution paſſed in 1708—9, and affirmed in 1787, did not deprive him of any friend, but did alſo increaſe his happineſs, by enlarging the ſphere of his acquaintance. So wonderfully profuſe of her favours to the Right Hon. Gentleman, is the goddeſs Fortune, that on no account will ſhe ever ſuffer him to draw a blank. At the general election, which took place previous to May 1793, the Duke of Queenſbury and Marquis of Abercorn, (the former one of the very Peers, *whoſe right* to vote had been denied by the Lords in 1787,) tendered their votes as Peers of Scotland; the Lord Regiſter knowing his duty too well to receive them after the order of the Houſe of Lords of 1787 had been ſerved on him, "*commanding* him *not* to *take* them," did refuſe; the matter was moved in the Houſe of Lords, and notwithſtanding the former reſolution, their Lordſhips did on the 23d of May 1793,* reſolve, "that if duly tendered, they ought to have been counted?" By this reſolution, in violation of the ſpirit of the articles of Union, contradictory of the ſenſe of that very Houſe which paſſed it, as expreſſed on two former occaſions, unfounded in law, unſanctioned by precedent, and unſupported by juſtice, the rights of the Scottiſh Peerage have been abrogated, and the people of Scotland are deprived of the guardians of their rights in the Upper Houſe which the articles of the Union had guaranteed to them. A reſolution, ſo repugnant to the rights of the Scottiſh

* Brit. Lord's Journ. for 1793.

Scottiſh Peerage, and ſo fraught with national evil, could not eſcape the eagle-eye of that ſagacious nobleman, the Earl of Lauderdale; he addreſſed the Houſe in the language, not of a *lordling*, but of a baron bold; and finding he was unable to convince them of the juſtice of his caſe, or the injuſtice their reſolution would work, he entered, in an unanſwerable proteſt,* his reaſons for diſſenting from their Lordſhips. Should the Peers of Ireland with this example before them of a violation of treaty, ariſing from deſign or miſconception, agree to a Union, they will, when too late, find the only right they will be permitted to enjoy, will be that *innoxious one*, of *proteſting*.

If

* The reſolution of the 23d of May 1793, having been agreed to by the Houſe, the following admirable proteſt, was entered by the Earl of Lauderdale, one of the ſixteen Peers of Scotland, in which the propriety of ſupporting the reſolution of the Lords in 1708—9, and confirmed in 1787, is maintained.—

DISSENTIENT,

"BECAUSE,

"The principles of their repreſentation appear equally violated, whether it be conſidered as a compenſation for the rights which the Scottiſh nobility ſurrendered, or as a ſecurity and guard for the rights which they retained. The right of repreſentation being given to the Peers of Scotland, for the loſs of their hereditary ſeat in Parliament, nothing ſeems more evident, than that the compenſation cannot be juſtly claimed by thoſe, who no longer ſuffer the loſs. But while by this reſolution, the elective right is laviſhed on thoſe, who have recovered an hereditary ſeat, its worth and value is diminiſhed to the Peers of Scotland, who were juſtly entitled to that growing importance of their ſuffrage, which was to ariſe either from the operation of time in leſſening their number, or from the promotion of their more favoured brethren to a ſuperior claſs of Peerage."*

LAUDERDALE.

* Britiſh Lords Jour. 1793.

If a plain, vulgar, and uneducated man were to read these contradictory resolutions, and observe, not only the length of time which had elapsed between the passing of the first, and its confirmation in 1787, and its repeal in 1793; but also, be told, that "existing circumstances" had made the confirmation and repeal equally favourable to the interest of the Minister; his vulgar, unfashionable, and uncourtly mind, would lead him to exclaim, what my respect for that House, and my *implicit* faith in their wisdom, will not allow me so much as to think, "political justice, is the creature of the Minister." "When then long experience has taught us, the absurdity of committing the decision to those whose conduct has provoked the question, and whose interest, authority, and fate, are immediately concerned in it."* When we have the authority of Judge Blackstone, "that even an *infringement* of the *fundamental* and *essential conditions of the Union, though a manifest breach of good faith, would not dissolve it*;"† and he tells us in very plain and intelligible language, that a state so leagued, has no redress but by an appeal to the united legislature, (the majority of whom, it is to be recollected, created the evil complained of, and the chance of redress from such a body, is to be seen in the cases decided, and referred to above,) or, an appeal to Heaven. If then with nine solid reasons, every one of which did *ipso facto* by Union, put Scotland into the enjoyment of *substantial* blessings, and every one of

* Paley's Moral. Phil. vol, ii. p. 151.

† Blackstone's Comm. vol. i. p. 97.

of which that has a preſent power of exiſtence, we do enjoy; that country could not be got to aſſent to her national degradation, but by force and fraud.* If, with the inſtances before us, of plighted faith broken, of injuries inflicted, and inſults offered to her national dignity in the denial of juſtice, Iriſhmen will agree to a Union, I can only ſay, in claſſic language, "Quos Jupiter vult perdere prius dementat." One obſervation I ſhould ſubmit to the good ſenſe of the people of England, the truth and juſtice of it is ſupported by the hiſtory of all nations, and by none, more than their own, *though force may compel, it can never inſure obedience.* The bigot James exemplified the theory in practice, and his poſterity to this day, feel its effects; while the Houſe of Hanover *rejoices* in the juſtice of a ſentiment, which took it from the rank of a German Elector, and elevated it into that, of a Britiſh Monarch.

On the conduct of France incorporating the Netherlands, &c. mentioned by you in page 9, I will, Sir, obſerve a dignified ſilence, for I will not condeſcend to enter into an argument with an Engliſhman, but Iriſh Miniſter, (whom I do not aſſert to be the author, but to whom public rumour has aſcribed the pamphlet I anſwer) who holds the key of a goal in which

* The Lord Goldolphin prevailed with the Queen to lend her Scots Treaſury the ſum of 20,000, which the Earl of Glaſcow is ſaid to diſtribute to the *beſt advantage*, and for which he, ſome years after, accounted with the Engliſh Commiſſioners of Public accounts. Lockhart gives the following liſt of the perſons to whom, the Earl *declared* upon *oath*, he diſtributed the money:

To

which men are impriſoned on a charge, the very *eſſence* and *ſubſtance* of which, is an *imitation* of French conduct,

	£.	s.	d.
To the Earl of Marchmont	1104	15	7
——— Cromarty	300	0	0
Lord Ormiſtown, Lord Juſtice Clerk	200	0	0
Duke of Montroſe	200	0	0
——— Athol	1000	0	0
Earl of Balcarras	500	0	0
——— Dunmore	200	0	0
Lord Anſtruther	300	0	0
Mr. Stuart, of Caſtle-Stuart	300	0	0
Lord Elphinſton	200	0	0
—— Frazer	100	0	0
—— Ceſnock, now Palwarth	50	0	0
Mr. John Campbell	200	0	0
Earl of Findlater	100	0	0
Sir Kenneth Mackenzie	100	0	0
Earl of Glencairne	100	0	0
——— Kintone	200	0	0
——— Forfar	100	0	0
John Muir, Provoſt of Aire	100	0	0
Lord Forbes	150	0	0
Earl of Seafield, Chancellor	490	0	0
Marquis of Tweedale	1000	0	0
Duke of Roxborough	500	0	0
Lord Ellibanks	50	0	0
—— Bamf	11	2	0
Major Cunningham, of Echet	100	0	6
The Meſſenger that brought down the Union	60	0	0
Sir William Sharp	300	0	0
Patrick Coultrain, Provoſt of Wigtown	25	0	0
Mr. Alexander Wedderburn	75	0	0
The Commiſſioners for Equipage and daily Allowance*	12,325	0	0
	20,540	17	7

* Tindal, vol. iii. p. 516

conduct, and an *alliance* with French principles; that conduct and thoſe principles criminal in them, by your own vote in Parliament, to the extent of treaſon, are now recommended to the imitation and adoption of the yet-convulſed Iriſh nation, under the authority, and with the ſanction of the *ſuppoſed* military Secretary.

I now proceed to the fulfilment of the promiſe made in the outſet of this letter, "to demonſtrate the *moral* incompetency of Parliament to legalize a Union." As every individual derives his right immediately from God, and not from man, to protect himſelf in the exerciſe of his rights, againſt the attacks which lawleſs force, or ruffian power, may make upon him; ſo nations, which are compoſed of individuals, have the ſame right, and are bound to the ſame duty; the greatneſs of the nation, no more than that of the man, conſtitutes the moral right, though in both, in the exerciſe of it, the ability to ſupport the right contended for, ſhould be well conſidered. But though force, or the fear of force may cauſe moral rights to be in abeyance, it cannot annihilate them, the rights of a man who falls into a gang of thieves, are morally ſpeaking, as perfect as the king on his throne, though the exerciſe of them be by force ſuppreſſed. To apply this reaſoning, all nations are as to each other in a ſtate of nature; they have a right to protect themſelves by force againſt the attacks of others, and the duty of preſerving themſelves, flows from the right to preſerve; but they cannot exert their phyſical force to the beſt advantage in war, or direct it to uſeful objects in peace,

peace, without a power adequate to the end; and as a few can always lead, adviſe, and direct, better than many, every nation has *appointed leaders* or *governors* to tranſact and manage for the many, that which muſt be ill done, if attempted by all. Theſe leaders or governors have, in the different ſtates of the world, obtained various names, and the powers of Government have greatly increaſed or diminiſhed according to the forms eſtabliſhed. But whatever title the Government bears, or whatever power may have originally been granted to it, no abſurdity can be greater, than to ſuppoſe a clauſe in the grant, empowering the grantee to annihilate the grantor. Every ſtate then I conclude, Sir, has the moral right to defend itſelf, and if phyſically able, the political and moral duty of ſelf-defence is caſt upon it by the *divine hand* that created it, and a deſertion of ſuch duty is *treaſon* againſt God. This phyſical ability to defend, does not create the theoretical right, but invigorates the practical exerciſe of it, and adds the ſanction of prudence, to the fiat of reaſon, and the commands of duty. However then the ſurrender of national independence may be excuſed, pardoned, or extenuated, in a nation whoſe phyſical power is not equal to the repelling force by force, as a nation like the Iſle of Man, placed under "a neceſſity that chooſes, not is choſen," it never can be done by a nation able to maintain its rights, and aſſerts its honour, without a manifeſt violation of moral duty, and a criminal renunciation of the free-will granted by the Creator to the creature, for the regulating of his conduct, and for

the

the *abuſe* of which he will be made anſwerable at the *day* of general judgment. As individuals are prevented by the great moral law from ſubmitting themſelves to the *arbitrary* will of another, whoſe power, if ſuch ſubmiſſion were, morally ſpeaking, valid, might command obedience to immoral actions; ſo nations created of a congregate body of individuals, cannot collectively have any power, which the perſons compoſing them, did not individually poſſeſs; and men, as individuals, not poſſeſſing the right, could not collectively have it; and, not having it, could not transfer it to their governors, who, in a moral and philoſophical ſenſe, are the national Repreſentatives: as, in a legal one, the members of the Houſe of Commons are the national truſtees. Governors then, by whatever name they are called, or whatever title they aſſume, have only been inſtituted to do that which, individuals from their numbers cannot do, they, as moral agents, being accountable to God "for all the acts done in the body," have not only no right to transfer their free agency to any other perſon whatſoever, but by ſo doing, commit the greateſt crime againſt the ſupreme Majeſty of Heaven, which creatures can be guilty of, a renunciation of ſelf-government, their bounden duty as moral agents, ariſing from free-will, the moſt diſtinguiſhed faculty that can be granted to a creature, and a ſurrender of the proud ſuperiority of man over all other beings, conferred on him, as a *dignified* and *infallible* certificate of his deſcent from the *great being*, in whoſe image he was created, "for in the image of God created he man."*

Four

* Geneſis, 1ſt Chap. 27th Verſe.

Four ſteps have been made towards attempting to prove the propoſition to be demonſtrated; firſt, the right of ſelf-government and ſelf-defence as contingent on the former, have been proved to be duties ariſing from the moral relations which the creature bears to the Creator: Secondly, that men, by congregating into ſocieties, neither enlarge nor diminiſh their moral rights or duties thereby, and this, becauſe created by a ſuperior power, no act of theirs can alter their nature: Thirdly, that they are bound, by all means in their power, to obſerve the great law of nature, "ſelf defence," and that this cannot be ſo effectually inforced by man in his individual, as his congregate capacity: Fourthly, that the *wants* of individuals, and the *ſuper-added* wants of ſociety, *prevent* them from employing themſelves in this way, *without* abſolving them of the duty; and hence ariſes the *neceſſity* of leaders or governors, to ſee this duty performed; and, therefore, univerſal law proclaims what Lord Coke ſays is the law of England in Calvin's caſe,* "protecto trahit ſubjectione, and ſubjectio protectione." It follows as a corollary from theſe arguments, that Government, in which term is underſtood every thing appertaining thereto, and conſequently the Legiſlature, is a *truſt* eſtate, and the truſtees have no power to commit waſte, nor any right to cut off the entail; the fee-ſimple, ſays our countryman, Junius,§ is in poſterity. Such are the abſtract reaſons by which my humble judgment has been convinced of the truth of the propoſition, ever ſince I have

* 7th Report.

§ Biographical, Literary and Political Anecdotes, Vol. 1ſt, page 16.

I have been able to think. Precedent, and the authority of the writers both on municipal law, and the Law of Nations, ſhall now ſtrengthen and ſupport metaphyſical reaſoning. Firſt, then, ſhall be introduced the authority of the unanimous reſolutions of that patriotic band, the *Lawyers Corps* of Volunteers, in 1782, who, when a Yelverton and a Huſſey Burgh, and a majority, if not all the preſent Judges of Ireland, adorned its ranks, were not aſhamed to take, nor afraid to own, that *their* motto was "Salus populi, ſuprema lex;" and fully they proved that this was their motto in *deeds*, as well as in words. Their Reſolutions will ſpeak for themſelves.

At a full Meeting of the Lawyers Corps, the 28th of February 1782, *purſuant to notice.*

Colonel EDWARD WESTBY, in the Chair.

The following Reſolutions were *unanimouſly* agreed to:

Reſolved, That the Members of the Houſe of Commons are the *Repreſentatives of*, and *derive their power ſolely* from, the people; and that a *denial* of *this propoſition by them*, would be *to abdicate* the repreſentation.

The other Reſolutions, not applying to the preſent queſtion, are not introduced here, ſuffice it to ſay, that they were truly patriotic. Such was the imperial and patriotic language of the Bar in 1782: but Dungannon had juſt before that ſpoken "in the thunder, as well as the muſic, of the ſpheres." The ſecond authority, is the *indirect* one, of the preſent Chancellor, when Attorney General; and it is *direct* to prove *this fact*, that ſuch was the love of national honour in 1785, that, according to his account of the

Propoſitions, the ability of the father of Iriſh freedom, and all his colleagues, would never have been able to have raiſed that general diſlike to them, which pervaded the kingdom on that memorable occaſion, if they had not proclaimed the attack which they made on *the independence* of Ireland, an attack, in his mind, unfounded, but which, if true, we are to underſtand from this ſpeech, would have been *criminal*, the whole *ſtrength*, not only of his argument, but of every man who ſpoke on the ſame ſide, conſiſting in a denial of this aſſumption, as they called it on the part of the Oppoſition, *for the expreſs purpoſe of damning* with the nation, what by argument they were not *able* to *prove dangerous* to the commercial intereſts of the country, fighting in the maſk of the Conſtitution, becauſe national honour beat high in its defence, hoſe mercantile boons, the ſterling advantages of which, they could not deny. We will now hear his Lordſhip: "I now come to the *great* argument of thoſe who oppoſe this ſyſtem*—the argument, if it deſerves the name, which has been *trumpeted* forth by the enemies of Ireland (the Chancellor ſays they are the *enemies* of *both countries*, who would ſurrender the Iriſh Legiſlature; and ſo, in my ſoul, I believe they are) in both countries, to inflame *her* pride, and *to prejudice* her againſt this ſettlement. It is *aſſerted again* and *again*, that *this treaty* is an *inſult* to Ireland—that it *ſtrikes directly at the independence of her legiſlature.* This is the firſt inſtance in which Ireland has ever trea ed; and it is a *new idea* to me, that England, by *opening and carrying on a treaty* with her, *as an independent*

* Woodfall's Debates, p. 64.

dent ſtate, inſults her pride, and ſtrikes at her independence."

The next authority is Mr. Burke, and his words are from a book, of which a *certain perſonage* ſaid at levee, " Sir, every king in Europe is obliged to you for this work," this book, the manual of modern cabinets, and which coſt the Engliſh nation an enormous penſion. Is Mr. Burke to be always authority for deſpotic acts, and of no weight on the ſide of freedom? His words are *—" It is indeed difficult, perhaps impoſſible, to give limits to the mere abſtract competence of the ſupreme power, ſuch as was exerciſed by Parliament at the Revolution; but the *limits* of a *moral* competence, ſubjecting even in powers more indiſputably ſovereign, *occaſional* will to permanent reaſon, and to the *ſteady* maxims of faith, juſtice, and fixed *fundamental* policy, are perfectly intelligible, and perfectly *binding* upon thoſe who exerciſe any authority under any name, or under any title, in the ſtate. The Houſe of Lords, for inſtance, is not *morally* competent

* Reflections on French Revolution, 27.

In the reign of Charles II. it was determined in the caſe of Lord Purbeck, by the authority of the Lords themſelves, which ſanctions Mr. Burke's opinion, " that a title is inherent in the blood, and while that remains *uncorrupted*, can by no means be *extinguiſhed* by *ſurrender or otherwiſe*." Is the right then of an individual more valuable, than that of a nation? and ſhall an individual be by poſitive law, rendered incapable of ſurrendering, or extinguiſhing the periſhable honours of the peerage and the *moral* law, not forbid the extinguiſhment of an unalienable birthright? This indeed would be to invert all order, and boldly affirm the creatures of man, are ſuperior to thoſe of God.

petent to *diſſolve* itſelf, nor to *abdicate, if it would, its proportion* in the legiſlature of the kingdom. Though a king may abdicate for his own perſon, he cannot *abdicate* for the *monarchy*. By as ſtrong, or *by a ſtronger reaſon*, the Houſe of Commons *cannot renounce its ſhare of authority*. The *engagement* and *pact* of ſociety, which generally goes by *the name* of the Conſtitution, *forbids ſuch invaſion aud ſuch ſurrender*." The *conſtituent parts* of a ſtate, are obliged to hold their *public faith with each other, and with all thoſe who derive any ſerious intereſt under their engagements, as much as the whole ſtate is bound to keep its faith* with ſeparate communities, otherwiſe *competence and power would ſoon be confounded, and no law be left but the will of a prevailing force*."

I now, Sir, have diſcovered your fundamental objection to the mode the Iriſh Parliament took of appointing a Regent, they have not furniſhed you with a precedent of that extraordinary nature the Engliſh Parliament has; and which would enable you, without much difficulty, to prove the right they obtained from that Act, to deſtroy themſelves. The two Houſes of Parliament in acknowledging their inability in their individual capacity, to perform any legiſlative Act, have proved to the world, what it never knew before, excepting in the Engliſh language, that two individual non-entities, could conjointly produce an entity, which in return, ſhould kindly vivify the dead bodies, to which it owed its exiſtence; and then, that they and it together, ſhould form a being completely dependent on themſelves, not equally perfect, as he ſhould be, with the perſon,

ſon, whoſe place he was *pro tempore* to ſupply. The Iriſh Parliament, conſcious that the melancholy and awful cauſe which created the *neceſſity* that called upon them to act, had had its operation in the wiſdom of a power, it could not controul, proceeded to act, not becauſe, *legally* ſpeaking, they had a power to act, but becauſe the law had left this a *caſus omiſſus*, and unleſs they had acted, there could have been no executive government. Their *right* then grew out of neceſſity, that word, equally the plea of the tyrant, and the juſtification of the freeman; it is in the exerciſe of the right, we diſcover the difference, the *former* in his mode of ſupplying the deficiency, takes care that the remedy propoſed, ſhall be the creating cauſe of generating neceſſities, and above all, ſhall never effect that which alone gives the *moral*, for there is no legal right of acting: the *latter*, adopts that mode, which not only annihilates the neceſſity, that produced the moral right of action, but by giving full powers to the ſubſtitute, fulfils the duty it undertook, and makes a recurrence to its own extraordinary power unneceſſary, by giving to all the conſtituted authorities of the ſtate, with the quickeſt expedition poſſible, the exerciſe of their legal and natural authorities, evincing by its *acts*, not its words, that it aſſumed *power to uſe it, not abuſe* it. Such was the conduct of the Iriſh Parliament at the time of the Regency, ſuch ever will be the conduct of all men, who look upon the chief magiſtrate of a country, as poſſeſſing his prerogatives and his powers for national, not individual benefit. His place, therefore, never can be ſaid to

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have been ſupplied, until the perſon holding the ſtation *pro tempore*, is inveſted with the authority, which in the original conſtruction of the Conſtitution was deemed neceſſary for the preſervation of each order, againſt the encroachments of the other, and for the fully diſcharging the duties of its own ſtation.

But to recur to our quotation from Mr. Burke, which will be found on page 69—" The intereſt of that portion of ſocial arrangement, called our country, is a *truſt* in the hands of all thoſe who compoſe it; and as none but *bad* men would juſtify it in abuſe, none but *traitors* would barter it away for their own perſonal advantage."

The next authority I ſhall produce is the laſt clauſe but two of Mr. Orde's Bill, to preſent which, he obtained the leave of the Houſe Commons, on the 12th of Auguſt 1785; the clauſe has the ſanction of that Houſe to the principle I contend for, " the *moral* incompetency of Parliament to create a Revolution."

" No law made by the preſent Parliament can *limit* or *reſtrain* the *free* and unqueſtioned *exerciſe* or diſcretion of any *ſucceeding* Parliaments, who muſt be *competent*, *equally* as is the *preſent*, to every act of legiſlation whatever." To ſuppoſe then, that a Parliament cannot have power to deprive future Parliaments of their legiſlative rights, and yet have a power to annihilate the conſtitution of Parliament itſelf, from whence *theſe* rights flow, is a contradiction in terms, a mockery of ſenſe, an inſult to reaſon. This is a new ſpecies of morality, more

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ſinful to do the *leſs* than the *greater* crime, " this is paying tithe of mint, and cummin ſeed, but omitting the weightier matters of the law, it is preferring judgment, to mercy."* To this I add the authority of the Lords and Commons of Great Britain, who in a joint addreſs to the King on the 29th of July 1785, ſay on the reſolutions they then preſented to his Majeſty,† " They can only be carried into *effect* by laws paſſed in the Parliament of Ireland, which is *alone* competent to bind your Majeſty's ſubjects in that kingdom, *and whoſe legiſlative rights* we ſhall *ever* hold as *ſacred* as our own." Memorable words, " as ſacred as our own," ſo long as the Journals of the Britiſh Parliament have exiſtence, ſo long are the Lords and Commons of Great Britain, eſtopelled by their own voluntary act and deed, from agreeing to a Union; if in defiance of faith thus plighted, they ſhall attempt to propoſe it, they ſhall find that thoſe recorded words‡ " like the fingers of the man's hand mentioned in Scripture, ſhall appear on the walls of their ſenatorial chambers, they ſhall change their countenances, they ſhall trouble their thoughts, they ſhall looſen their joints, and make their knees to ſmite one againſt another, they ſhall be the *Mene, Mene, Tekel, Uphraſin.*"‡

The next authority is Molineux, whoſe caſe of Ireland was burnt, in obedience to the order of an

* St. Matthew, xxiii. 23d verſe.

† Woodf. Appendix 24 to Iriſh Prop.

‡ Daniel, chap. v. verſe 5.

law, and *compels men* to build afreſh upon a new foundation:" The learned Judge, therefore, by this commentary, does admit the moral truth of the poſition, and does therefore lend his great name to the ſanction of my theory; in the French Conſtitution, made by Robeſpierre, do I alone find that caſe provided for, which the learned Judge ſays, human laws will never ſuppoſe. The authority of Blackſtone, then, to prove the omnipotency of Parliament to make a Union, as quoted by an anonymous Barriſter, page 41, might have been ſpared by that learned gentleman, if he had read his author as carefully as, I preſume, he reads his briefs; for he would then have ſeen, that the Judge ſpoke of a qualified omnipotency, not, as this gentleman aſſerts, an omnipotency to deſtroy the Conſtitution; but, as if he had ſaid, a power coequal with its duties under the Conſtitution; for the *omnipotency*, contend for it how he may, is, by the very words of Blackſtone, to laſt, *only during* the *continuance* of the Conſtitution; ſo that by this, when the one is deſtroyed, the other ceaſes. His words are, "So *long*, therefore, as the Engliſh Conſtitution *laſts*;" and this is the ſecond thing we learn from our legal commentator.

The laſt authority I ſhall quote, is Lord Chancellor Forteſcue:* "A King of England, ſays the Chancellor, cannot, at his pleaſure, make any alterations in the laws of the land; for the nature of his Government, is not only regal, but political. Nihil poteſt Rex quam quod de jure poteſt. The common and ſtatute laws of

* Fort. De Land. L. Ang. 16.

inherent in the people a ſupreme power to remove or alter the legiſlative, when they find the legiſlative *act contrary* to the *truſt* repoſed in them; for, when ſuch *truſt is abuſed*, it is thereby *forfeited*, and *devolves to thoſe who gave it*."* And what ſays Blackſtone to this paragraph, from whoſe 161ſt page† I take it, not that it is not bonâ fide true, but his objection to it is, "that *under no diſpenſation of* Government can ſuch theory be admitted. Why? Becauſe this devolution of power, to the people at large, *includes* in it a *diſſolution* of the whole form of government: Eſtabliſhed by whom? According to Blackſtone, by *the* People, and reduces all the *members* to their original ſtate of equality; and by *annihilating* the ſovereign power, repeals all poſitive laws whatſoever before enacted. No *human laws* will therefore *ſuppoſe* a caſe, which at once muſt deſtroy *all* law, and *compel* men to build afreſh upon a new foundation; nor will they make proviſion for ſo deſperate an event, as muſt render all *legal* proviſions ineffectual. So long therefore as the Engliſh *Conſtitution laſts*, we may venture to affirm, that the power of Parliament is abſolute and without controul." Two things are to be gathered from Locke's text, with Blackſtone's Commentary.—Firſt, that "when the truſt is abuſed, it is thereby forfeited, and devolves to thoſe who gave it;" but the learned Judge ſays, "that ſuch a ſituation being a decompoſition of ſociety, laws which are only made for man in a ſettled ſtate, will not ſuppoſe a caſe, which in rerum naturâ, is a *deſtruction* of all

* Locke on Gov. S. 149. 227. † Bl. Com. vol. 1ſt.

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of England are, in the maſs and bulk of them, unalterable." The meaning of this, I take to be, that the laws of England, generally, being founded on the indiſputable and acknowledged rights of mankind, ſuch an abrogation of them, ſhall not take place, as to injure thoſe rights.

I hope I have now, Sir, produced both argument and precedent, to convince you and every rational man, that Parliament has no right to make a Union; and that ſuch an act, being beyond their power, they would, by doing it, decompoſe ſociety, and abrogate all poſitive law.

While the Union of Scotland was actually on the tapis, we may remember, that by a proclamation, bearing the ſacred name of Queen Anne, but in *reality*, the Miniſter's, all diſcuſſion was borbidden, and every perſon, under the penalty of being deemed a libeller, was to believe that the Scottiſh members of Parliament were *influenced* by *nothing*, but the Salus Populi. Power, my countrymen, may at all times compel, yet it never could convince; and he who has read the liſt of the Scottiſh Senators, with their bribes, will aſſent to the truth of this propoſition. The hiſtorian, in defiance of authority, ſummonſes a Scottiſh Chancellor to his bar, for his patricidal conduct, and pronounces, without fear, the ſentence of Pope on the uſurper:

"See Cromwell damned to everlaſting fame."

At the bar of the hiſtorian, muſt plebeians, nobles, and kings, appear, and receive judgment, irrevocable, for their acts; and in diſcharge of the ſacred duty he has impoſed on himſelf, he is bound

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to warn the age in which he lives, againſt the craft of the politician, by fairly and impartially exhibiting the operating cauſes, which decide the conduct of *pretended* patriots, *really labouring for their own intereſts*, under pretence, of ſerving their country. But why, Iriſhmen, ſhould we expreſs aſtoniſhment at the deſcendants of a Parliament, ſelling their *country* for £.20,000? who ſold their King for a groat; that very King too, for remaining ſteady to whom ſo many of our Sarsfields loſt their eſtates? What? ſhall an adherence to an Iriſh King, in one century, deprive Iriſhmen of their property, and force them to be exiles from their native land; and in a ſubſequent century, a no leſs ſtrong attachment to a ſovereign, who "claims his crown by the election, and *holds* it by the *affection* of his people," the *beſt* and *ſtrongeſt* ſecurity of a monarch's throne; blot out their independent and imperial kingdom from the map of Europe, *that kingdom*, ſo much more ancient than the Engliſh monarchy,* "as to give precedence to Henry V. of England, in right of being Lord of Ireland, at the Council of Conſtance." But how, my countrymen, can you ſuppreſs your indignation againſt the Engliſh Miniſtry, and their Anglo-Iriſh friends here, who can propoſe a Union? That very Miniſtry, who, with their adherents here, pronounced ſentence of eternal damnation againſt the firſt National Aſſembly, for violating the rights of an aſſumed ſovereignty of the Pope, (the friend of the Britiſh Miniſter every where, but in Ireland) in a

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real imperium in imperio, exemplified in the provincial government of Avignon, a territory, in rerum naturâ, incapable of maintaining its independence; yet Ireland, Imperial Ireland, with a population of 5,000,000 of hardy people, ſhall, on the word of a ſo-journer, be pronounced an imperium in imperio, and as ſuch, a Grand Jury of Engliſh clerks, at the Caſtle, ſhall take upon themſelves to preſent it as a nuiſance, and direct Engliſh ſoldiers to abate the ſame. In a public cauſe, if neceſſary, (though in a private one, *never*) it ſhall be found,

" That *life* I contemn, and death I recommend,
" He breaths not vital air, who'll make me bend.

Sarsfield, Ld. Lucan's Speech, Battle of Aughrim.

Yes, my friends, that very Ireland is called an imperium in imperio, which country is placed in that ſtate, pronounced by the Royal wiſe man, in his Proverbs,* to be the happieſt, " having neither poverty nor riches, but fed with food convenient for her." Rendered ſtrong by the mercies of a kind and indulgent Providence, for the *moral* right of ſelf-defence; *weak*, as would to God *all nations were!* for the *immoral power of offence*. Is a Union, an *annihilation* of national independence, the reward which Engliſh Royaliſts, and the King's ſervants, would give to the hereditary lovers of a *limited* monarchy, and the unſhaken loyalty of a generous nation? If ſuch is to be the caſe, the year 1798 will prove the truth of what the Royal Pſalmiſt has ſaid in his hundred and eighteenth pſalm, and ninth verſe.

Mr.

* Prov. chap. xxx. v. 8.

Mr. Pitt having found fault with the National Aſſembly for having ſuppreſſed the Papal Government of Avignon, which was an imperium in imperio, in France, cannot now be aſtoniſhed at the People of Ireland ſaying, Sir, "de te fabula narratur." France always condemned by Mr. Pitt, is ever followed by him.

On pages 30 and 31, you addreſs a word or two to the Diſſenters and Roman Catholics, each of whom you wiſh if poſſible to cajole, at the expence of one another, and both at the expence of the nation. I will, in my turn, addreſs a word to them.

The ſituation of theſe two bodies of men is totally different in this country, from what it is in England. The former is only diſtinguiſhable *politically* as a Diſſenter, by enjoying a *greater* privilege than a member of the Eſtabliſhed Church; and in that ſituation he has been now for nineteen years, the teſt act of the 2d of Anne, cap. 6, having been repealed in his favour, by the 19th and 20th of Geo. III. cap. 6. The Diſſenter is, therefore, now in a better ſituation under the exiſting laws, than the Churchman; becauſe, if the former be in poſſeſſion of an office, he can only loſe it by the Legiſlature repealing the 19th and 20th of the King; whereas the latter, by neglecting to perform the requiſites by law required, may, by the omiſſion of the Legiſlature to paſs the uſual act for enlarging the time for perſons neglecting to qualify, be deprived of his office; and religiouſly, by the paying of two clergymen, a grievance which he ſuffers in common with his Roman Catholic brethren, whoſe ſituation I ſhall briefly conſider. The political

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real imperium in imperio, exemplified in the provincial government of Avignon, a territory, in rerum naturâ, incapable of maintaining its independence; yet Ireland, Imperial Ireland, with a population of 5,000,000 of hardy people, ſhall, on the word of a ſo-journer, be pronounced an imperium in imperio, and as ſuch, a Grand Jury of Engliſh clerks, at the Caſtle, ſhall take upon themſelves to preſent it as a nuiſance, and direct Engliſh ſoldiers to abate the ſame. In a public cauſe, if neceſſary, (though in a private one, *never*) it ſhall be found,

" That *life* I contemn, and death I recommend,
" He breaths not vital air, who'll make me bend.

Sarsfield, Ld. Lucan's Speech, Battle of Aughrim.

Yes, my friends, that very Ireland is called an imperium in imperio, which country is placed in that ſtate, pronounced by the Royal wiſe man, in his Proverbs,* to be the happieſt, " having neither poverty nor riches, but fed with food convenient for her." Rendered ſtrong by the mercies of a kind and indulgent Providence, for the *moral* right of ſelf-defence; *weak*, as would to God *all nations were!* for the *immoral power of offence.* Is a Union, an *annihilation* of national independence, the reward which Engliſh Royaliſts, and the King's ſervants, would give to the hereditary lovers of a *limited* monarchy, and the unſhaken loyalty of a generous nation? If ſuch is to be the caſe, the year 1798 will prove the truth of what the Royal Pſalmiſt has ſaid in his hundred and eighteenth pſalm, and ninth verſe.

Mr.

* Prov. chap. xxx. v. 8.

Mr. Pitt having found fault with the National Aſſembly for having ſuppreſſed the Papal Government of Avignon, which was an imperium in imperio, in France, cannot now be aſtoniſhed at the People of Ireland ſaying, Sir, " de te fabula narratur." France always condemned by Mr. Pitt, is ever followed by him.

On pages 30 and 31, you addreſs a word or two to the Diſſenters and Roman Catholics, each of whom you wiſh if poſſible to cajole, at the expence of one another, and both at the expence of the nation. I will, in my turn, addreſs a word to them.

The ſituation of theſe two bodies of men is totally different in this country, from what it is in England. The former is only diſtinguiſhable *politically* as a Diſſenter, by enjoying a *greater* privilege than a member of the Eſtabliſhed Church; and in that ſituation he has been now for nineteen years, the teſt act of the 2d of Anne, cap. 6, having been repealed in his favour, by the 19th and 20th of Geo. III. cap. 6. The Diſſenter is, therefore, now in a better ſituation under the exiſting laws, than the Churchman; becauſe, if the former be in poſſeſſion of an office, he can only loſe it by the Legiſlature repealing the 19th and 20th of the King; whereas the latter, by neglecting to perform the requiſites by law required, may, by the omiſſion of the Legiſlature to paſs the uſual act for enlarging the time for perſons neglecting to qualify, be deprived of his office; and religiouſly, by the paying of two clergymen, a grievance which he ſuffers in common with his Roman Catholic brethren, whoſe ſituation I ſhall briefly conſider. The political

diſadvantages

diſadvantages under which they ſtill labour, I, in common with many others, lament; few, though too many they certainly are, compared with thoſe they would aſſuredly be partakers of, if a Union ſhould take place. I will not impoſe on myſelf the unpleaſant and diſagreeable taſk of weighing acknowledged grievances, and pointing out the exact plus and minus: I will content myſelf with aſſuming what is an uncontrovertible fact, that the Diſſenters of both communions from the Eſtabliſhed Church, enjoy privileges at preſent which their brethren in England do not; and I will then put it to any liberal man to decide, whether I hazard too much, in the event of a Union, in ſaying theſe privileges will be diminiſhed, and the *ſpecious* pretence for this unjuſt act, will be the neceſſity of having equal laws throughout the Union *

I will now ſhew you, my countrymen, the outlines of ſuch a ſpeech as the great political juggler would order one of his Iriſh "Wha wants me?" to make, when introducing a bill into the Parliament of the Union, for ſuch a purpoſe.

Mr. Speaker,

When I conſider the honour which my conſtituents in Ireland have done me, by ſending me into this Houſe, I am at a loſs to expreſs myſelf in language ſufficiently grateful. Recollecting, Sir, the honour done

* This was done, according to Blackſtone, by the Statute of Wales, on the annexing of that principality to the crown of England, who ſays, page 94. vol. 1ſt. "that very material alterations were made in divers parts of their laws, ſo as to *reduce* them *nearer* to the Engliſh *ſtandard*.

done me, and the duty impoſed upon me by it, nothing but what I conſider a more imperative duty, the *general tranquillity* of the whole Union, could induce me to move for leave to bring in a bill, which muſt injure the inhabitants of that part of the Union I repreſent, ſo much, as the one I hold in my hand, and which is entitled "An Act to put the Diſſenters of both Communions from the Eſtabliſhed Church, of that part of the Empire formerly called Ireland, on the ſame footing with thoſe of the ſame Communion in England." Sir, I do not mean to deny the truth of the principles which I know will be advanced by the Honourable Gentleman* oppoſite to me, the advocate of civil and religious liberty, and the ſteady and determined oppoſer of tyranny, *wherever* it may appear. Sir, I reſpect his character; and if it did not appear too preſumptuous in me to offer an opinion on his acknowledged talents, I would ſay that Heaven had given them to him, not for the ſervice merely of his own country, but for the general advantage of the great family of human kind. But, Sir, whilſt I will admit the ſtrength of his reaſoning, and the impoſſibility of refuting his arguments on the broad principle of moral juſtice, or equal rights, you muſt permit me to ſay, that on this queſtion of national tranquillity, and the *eaſe* of the executive government, I throw ſuch arguments out of my contemplation; and I am ſure *this* Houſe, *which* did not think *national rights* any objection to the paſſing of the Union, which annihilated them, will agree in opinion with me, that the partial rights of the Preſbyterians and Roman Catholics

* Mr. Fox.

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Catholics of Ireland, ought not now to be put in competition with the general peace of the Empire, which can only be eſtabliſhed, and ſecured, by the laws being the ſame for people of ſimilar religious perſuaſions throughout the whole Union. Humble as I am, Sir, on this part of the caſe, I fear not to meet the Honourable Gentleman himſelf, as his general cry is "*equal* laws;" will he then, an Engliſhman, agree that Iriſhmen ſhall enjoy advantages which the Legiſlature of his own country has *repeatedly* refuſed to the petitions of his conſtituents, ſupported by his *great*, and unrivalled *abilities?* Sir, I will detain the Houſe no longer on this ſubject; my Right Honorable Friend* on my right, with his acknowledged *rhetorical* powers, will ſatisfy all your doubts, ſhould any ariſe, and *even* your *qualms* of conſcience, if any conſcience you have left."§

Vulgar minds would think that Paddy played ſecond, as well as firſt fiddle; but Seignior Pittachio, who underſtands managing the Houſe better than ordinary people, otherwiſe commands. In obedience to a previous arrangement, John Bull, as if by chance, ſtarts up, and thus addreſſes the Speaker:

"Sir,

Ordinary men would have been deterred from moving for leave to introduce ſuch a Bill as that propoſed by my Honourable Friend, and which, if he

 permits

* Mr. Pitt. § The love of Paddy's country is ſuppoſed to bear down Parliamentary decorum, at the moment he is concluding; a qualm of conſcience having convulſed him, on account of the acknowledged injuſtice of the act.

permits me, I will ſecond. Sir, he has laid this houſe, and the nation, under many obligations to him for his motion, and particularly honours me by accepting of my offer to ſecond a Bill, which, by putting the Diſſenters of all deſcriptions ſcattered over the Union, on an equal footing, muſt prevent thoſe bickerings which might ariſe from the want of it, and effectually deprive the Diſſenters of England of the opportunity of complaining that they were on a worſe footing than thoſe of Ireland. Sir, I will not, any more than my Honourable Friend, deny, that when this Bill ſhall have paſſed into a law, the Diſſenters of each communion in Ireland will *not* be *deprived* of franchiſes which they now enjoy, *greater* than thoſe allowed to the ſame people here: but give me leave to ſay, Sir, they will have *no right* to complain at this *diminution* of privilege, as they are not put on a worſe footing than their brethren here, and therefore, I think, they ought to be very well ſatisfied.

Sawney then riſes and ſays—

Mr. Speaker,

It may ſeem rather odd, Sir, that I, who am a Preſbyterian, and whoſe National Church is protected by an expreſs Statute, ſhould vote for leſſening the privileges of Diſſenters, and bringing them, but *lately* emancipated from a Teſt Act, &c. under the proviſions of ſo formidable law, a ſecond time. But in truth, Sir, to me there appears *nothing formidable* in it; for ſuch is the *ken* of my countrymen, and ſo great their ability and ſpeed in learning any thing, that they, at ſight, can read and underſtand the Creed of the Kirk, the Thirty-nine Articles, and the

Confeſſions

Confeſſions of Weſtminſter. In ſhort, Sir, they never *ſtumble* at any thing, as my Right Honorable Friend* has *more* than *once* proved. Indeed, Sir, he, though a Preſbyterian, never heſitates to *qualify* according to the Rights of the Church of England, if the office of Secretary of State, Treaſurer of the Navy, &c. be vacant. Sir, he is a very good example; and I know no reaſon why theſe Iriſhmen ſhould pretend to more religion than a Scotſman? Sir, I vote for the motion.

Mr. Fox then roſe, and ſaid—

Mr. Speaker,—

———————————————— but more of his ſpeech I dare not report; my humble talents will not ſoar to the elevation of his mind; ſufficient to ſay, that whatever the claſſic mind has formed to itſelf in idea, of Demoſthenic eloquence, falls ſhort of the talents diſplayed this day, by that great man. He is indeed one, whom I may ſay in the language of Pope, is able

> To wake the ſoul by tender ſtrokes of art,
> To raiſe the genius, and to mend the heart,
> To make mankind in conſcious virtue bold,
> Live o'er each ſcene, and be what they behold.

The Bill is then received, read a firſt, ſecond, and third time, in violation of the ancient and eſtabliſhed rules of Parliament, but ſtrictly conformable to Mr. Pitt's newly-adopted plan of paſſing Bills of great moment, leſs conſideration being neceſſary on ſuch occaſions, than on a Turnpike Bill—is ſent to the Lords, agreed to by their Lordſhips; and at Eight o'Clock, the Lords Commiſſioners, in their robes, give the Royal Aſſent to "a Bill for tranquillizing the

* Mr. Dundas.

the Union," by reducing the privileges of the Iriſh Diſſenters, of both communions, to the Engliſh ſtandard on that ſubject.

Whilſt I cannot help thinking with Mr. Burke*, "That the ſtate ought not to be conſidered as nothing better than a partnerſhip in a trade of pepper and coffee, calico or tobacco, or ſome other ſuch low concern, *to be taken up for a little temporary intereſt*, and to be diſpoſed of by the fancy of the parties; *but that it is to be looked on with other reverence, becauſe it is not a partnerſhip in things* ſubſervient only to the groſs animal exiſtence of *a temporary and periſhable nature.* It is a partnerſhip in all ſcience; a partnerſhip in all art; a partnerſhip in every virtue, and in all perfection. As the *ends* of ſuch a partnerſhip *cannot be obtained in many generations*, it became a partnerſhip, not only between thoſe who are living, but thoſe who are dead, and thoſe who are to be born. Each contract of each particular ſtate is but a clauſe in the great primæval contract of eternal ſociety, linking the lower with the higher natures, connecting the viſible with the inviſible world, *according to the fixed compact ſanctioned by the inviolable oath which holds* all phyſical and all moral natures, each in their appointed place. *This law is not ſubject to the will of thoſe who by an obligation above them, and infinitely ſuperior, are bound to ſubmit their will to that law.* The municipal corporations of that univerſal kingdom, *are not morally at liberty at their pleaſure, and*

on

* Reflect. Fr. Rev. 143.

on their ſpeculations of a contingent improvement, wholly to ſeparate and tear aſunder the bands of their ſubordinate community, and to diſſolve it into an unſocial, (into this ſtate is every ſociety put, according to Locke and Blackſtone, when the legiſlature is *ſubverted*) uncivil, unconnected chaos of elementary principles. It is the firſt and ſupreme neceſſity only, a neceſſity that is not choſen but chooſes *a neceſſity paramount to deliberation*, (this is not the preſent ſtate of Ireland) that admits *no diſcuſſion*, and demands *no evidence*, which alone can juſtify a reſort to anarchy." I will, to prove to thoſe who think Locke and Molineaux, ſhould be laid aſide, for Voſter and Windgate, and the rights of a nation, concede to the " golden rule," ſubmit a few words on trade as diſtinct from conſtitutional franchiſes, connected with which it has been already conſidered. When the advocates of a Union, which is to deſtroy that free conſtitution, from whence this bleſſing *naturally* flows, and this *ſource* of riches *really* comes, ſpeak on this ſubject, they launch forth in all the *pompoſity* of language, and all the *ignorance* of inexperience. They ſpeak of Cork, as if it were to be a Tyre or Carthage, and in their idea, Golconda's mines will lack riches, compared with thoſe which will be found in the ſtreets of Cork, when the halcyon days of Union come. Three proofs drawn from particular facts, which facts include in themſelves evidence of the general motives which impel, and principles that actuate capitaliſts, (thoſe gentlemen who will then be as numerous

numerous in Ireland as the ſand of the ſea) ſhall be given. The firſt proof I will give, is not only explanatory of the principles on which capitaliſts have, and ever will act, but will prove to the citizens of Cork what a South Sea bubble the Union is, if any of them be ſo weak as to think either that their city will be ſerved by this meaſure, or injured, if it is not carried. Previous to examining the proofs I have promiſed, I will, Sir, with your leave, take a brief view of what are the general operating cauſes of ex-patriation, a ſubject on which I have never heard one word fall from the moſt zealous advocate of the Union; and yet, Sir, not only the ex-patrioting, but the impatrioting cauſes are neceſſary to be conſidered on this queſtion. And firſt, Sir, of the impatrioting cauſes: Do you think that *falſe* returns to writs of Habeas Corpus, that *will* ſubſtituted for law, that tortures condemned by God, and forbidden by every civiliſed ſtate in the world*, declared near two hundred ago by the *unanimous* opinion of all the judges of England, on a caſe referred

* Lord Chancellor Forteſcue in his admirable treatiſe entitled, De Laudibus Legum Angliæ, ſays in chap. 22, concerning torture, p. 41. "In France they put the *accuſed* to the rack, by which over cautious and *inhuman* ſtretch of policy, the *ſuſpected*, as well as the *really* guilty, are, in that kingdom, tortured ſo many ways, as is too tedious and bad for deſcription. Who that has *once* gone through this *horrid* trial by torture, *be he never ſo innocent, who will not rather confeſs himſelf guilty of all kinds of wretchedneſs*, than undergo like tortures a ſecond time? Now, what *certainty* can there ariſe from ſuch *extorted* confeſſions? Such a practice, ſays this learned Chancellor, ſhould be called the *high road* to hell.

referred to them, that the common law of that country, which is the law of Ireland, did not, on any account, allow of it, that all theſe cauſes collectively, are ſufficiently ſeducive, or either of them individually, is a ſufficient inducement to make the clothier of Somerſetſhire, who borders on the Avon, or the merchant of Briſtol quit the Severn, to ſettle on the Boyne, or the Blackwater. Do you think the ſerge-makers and thickſet manufacturers of Exeter, and its charming environs, exceeded only in beauty and magnificence by thoſe of my native city, will be ſeduced by ſuch bounties to croſs the channel? Do you think the ſhipwrights, ſail-makers, &c. &c. of Portſmouth and Plymouth, will leave their elyſian Iſle of Wight, and the groteſque Edgecumbe, to ſettle at Cork's Cove, to enjoy theſe advantages. No, Sir, ſooner will the Ethiopian change his colour, or the leopard his ſpots, than an Engliſhman, by force, barter his preſent evils, for the enjoyment of ſuch extraordinary bleſſings; a ſyren-tongued Miniſter, may deceive his honeſt and unſuſpecting mind, and accompliſh his own vile machinations by fraud and covin; but to open force, he never will ſurrender Magna Charta and the Bill of Rights; that love of liberty which is univerſal, is increaſed by habit in the Engliſhman, and aſſociating that idea ſolely with his own country, (which aſſociation is his crime) he laudably takes it "as his wife, for better or for worſe." The univerſal expatriating cauſes ſhall now be conſidered, and I believe I may ſay, without a poſſibility of contradiction, that they are but two, Perſecution and Poverty; from theſe

theſe it may be ſaid a third does ſometimes ariſe, one made by equal portions from theſe two general cauſes of emigration. What, Sir, made the anceſtors of the preſent Americans emigrate? Civil and Religious Perſecution. What has made the anceſtor of that family, which is a bleſſing to this country, emigrate from France? that *family*, the effects of whoſe *real* religion I have had an opportunity of ſeeing in works of charity and mercy; whoſe creative hand, not only makes wealth for itſelf, but diffuſes it throughout the country, in every way that can add to its ſtrength and happineſs; by education, the firſt of all national bleſſings, by mercies incalculable, and charities innumerable—Perſecution, and that *too* for religion. If it were given to man, to trace effects to cauſes, we might poſſibly ſee in the ſubverſion of the French monarchy, vengeance taken, for the inſult offered to the ſupreme Majeſty of Heaven, in a French king daring to interfere with the prerogatives of the moſt higheſt. Religion is a duty the creature owes to the Creator, and each is to addreſs the univerſal parent, in the language he beſt knows. What made a certain deſcription of people leave the beautiful and highly-cultivated lands of Armagh, where the raw material, and every thing neceſſary to them as linen manufacturers, was to be had in abundance, and go to the moſt barren and uncultivated part of Connaught?—Perſecution. What, ſome years ago, made whole families go from the North of Ireland to America?—Poverty. What made ſo many perſons *formerly* go from the province of Connaught

in

in harveſt time, to England?—Poverty. Why has that number decreaſed ſince 1782?—*Creative* freedom made induſtry, induſtry capital, and capital demanded more labourers. The operating cauſes then, of expatriation, are Perſecution and Poverty, capital never emigrates, it enjoys at home that eaſe and affluence, to obtain which, it was itſelf acquired. We will now ſee how far this theory is ſupported by the facts I am to produce in evidence, and alſo at the ſame time obſerve whether they prove, as it was promiſed they ſhould, general principles. The firſt then to prove, that the capitaliſt will not travel, and that the city of Cork will not become a ſecond Carthage: Milford-Haven, the fineſt harbour belonging to the Crown in Europe, where, five miles from the ſea, I have myſelf been at anchor in a man of war, inferior only in ſituation to Cork, but *ſuperior* to that of Briſtol or Liverpool, and, in capaciouſneſs, equals, if not exceeds them altogether; and in ſafety for ſhips and mariners, and the facility of navigating veſſels in and out, neither of theſe ports will admit of a compariſon with it; the latter one has a moſt dangerous entrance, and objections lie to the navigation of the Severn, which cannot be made to Milford-Haven. Yet this harbour, the fineſt my eyes ever beheld, with every part of it convenient for the making of docks for the largeſt ſhips in the world, with ground contiguous to every part, *unbuilt* on, and rent ſo cheap, as to produce an immenſe profit to the ſpeculating builder, who might erect thereon ſtores, the moſt

extenſive, and ware-houſes the moſt commodious, if any *kind* capitaliſt there were, to take them from him; with a peaſantry neat, induſtrious, and moral; with proviſions cheap, with an agreeable climate, with fuel plenty, and not dear, and above all, with the moſt inviting and encouraging landlord, (Sir William Hamilton, Britiſh Ambaſſador at Naples) willing to foſter induſtry, and promote trade by every means in his power; yet this harbour, the Cork of Wales, with all thoſe natural and acquired advantages, has not been able, in upwards of five hundred years *Union* with England, to become a ſecond Carthage: This harbour, to which a ſtage-coach will take the capitaliſts of Briſtol and Liverpool, has not had charms to bring them; and at the expiration of nearly ſix hundred years, you ſee this emporium of Welſh trade, this ſeducer of Engliſh capitaliſts, with its principal ſtreet, equal in breadth, and grandeur, to the magnificent lane in this city, commonly called Fleet lane. In this famous capital, which the Welſh were then told, as the people of Cork are now, ſee your fine haven, and your admirable ſituation for trade, *ſuperior* to any port in this channel; ſo far from finding the riches of Golconda, that the wealth of the whole town, would not equal the very eſtabliſhment of the mere gatherers of gold, in the county of Wicklow. But not only does the rich capitaliſt of Briſtol, refuſe to quit his charming Clifton, with the lovely views of Somerſetſhire, to ſettle in Wales, contiguous, and to which, he can have land carriage the whole way, and readily travel back, to viſit thoſe, whom

whom blood and friendſhip have made dear to him; but even he, in Liverpool, who can boaſt no Clifton, and whoſe port not having had trade fixed there, as Briſtol has had, for hundreds of years, might on his firſt ſettling in trade, have been conſidered as a man, who would have preferred the conterminous port of Milford, *eaſy* of acceſs, and internally commodious, without the expenditure of a ſhilling, and *externally* better ſituated for commerce, being more open, and nearer to the Atlantic than his own; I ſay, one might have believed all this, by only examining the map; but, when to this, is added the evidence of ſight, when one ſees the immenſe ſums which it was neceſſary for the merchants of Liverpool to expend, in order to make that harbour internally ſerviceable, and how no expenditure can make its external navigation ſafe; I declare I would ſooner believe tranſubſtantiation, than credit the man, who would ſeriouſly tell me, that the political juggler, ſhould by the magical word, Union, the *preſto* of his art, command trade to leap from place to place, as a mountebank does his puppets; no, Sir, trade is a thing which requires four things to ſupport it; ſituation, induſtry, capital and time; two of theſe requiſites, I will call *fundamental and creative*, and which the Iriſh poſſeſs; theſe are *ſituation, and induſtry, they* will produce the third, and the fourth, man cannot make: if *they* are not able to create the third, I think I may ſay, that we have an experience of ſix hundred years, that the ſituation of Cork will not ſeduce capital, for ſo long has Milford made a part of the Engliſh Union; and

yet,

yet, her *fine* ſituation, could neither induce the capitaliſt of Briſtol to quit his trade, nor prevent him of Liverpool expending his money on that harbour, and makin , and that, *within* the laſt forty years, the grand emporium of the trade of England, in this chānnel; and to rival, if not excel Briſtol. What has done all this? What has given the preference to this port over Milford-Haven, and that even in oppoſition to the *perſonal* intereſt of the merchant? I will tell you in the language of man, all over the world, "the love of country," that love, ſo laudable, while it only prefers the intereſt of its own, to all others, ſo criminal, when to advance its own, it would ſacrifice that of another. I quarrel with no Engliſhman, for that, which I pride myſelf on, the honour and intereſt of his native land; but I would meet him in arms, when to advance his, he would ſacrifice mine. I have too many dear friends in England, and, when there, experienced too much friendſhip, not to admire the private character of the Engliſhman, and too congenial in diſpoſition, not to agree with him in the l ve of country; but that love, the ſacred principles of honour, and moral duty, tell me, is not to be encouraged, when it would lead me to invade the rights of my neighbour; he thinks Windſor the fineſt place; I think the Phœnix-Park; he has his Blenheim; I have my Curraghmore; he, his Richmond; I, my Waterfall and Dargle; theſe partialities, may be ſilly, but they are not criminal: each is left in the full enjoyment of that he likes beſt; the right on which that preference is founded, was derived from God, and to *him* only, without force, will I ſurrender it.

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The impoſſibility of Cork being benefited by a Union, I think I have demonſtrated; it is now neceſſary for me to ſhew ſhe cannot be injured, if it ſhould not take place. My reaſon for being of that opinion is this, that it is to her ſituation and the neceſſities of England, and not the kindneſs of that nation, ſhe is indebted for all her advantages; and therefore, ſo long as that ſituation, and thoſe neceſſities continue, they could not, if they would, deprive her of them. The ſecond fact to prove, that a Union will not give us capital is, the linen manufacture of this kingdom, protected and foſtered as it has been, for nearly a century, by duties and bounties in a manner that no other manufacture has ever been, either in this or any other country, and with the trade of the ſiſter kingdom open to us in this branch of commerce, and the whole world, it has not been able to *ſeduce* Engliſh capital. But we may remember capitaliſts do not travel. The third fact I have had from my friend, Mr. Kirwan, whoſe unrivalled abilities as a Chymiſt, Europe acknowledges, in all her learned publications. Speaking to him on this very ſubject of Union, he told me the following anecdote, which, as it is illuſtrative of the poſition I have laid down, that capital never travels, and concluſive to ſhew, that neither trade nor tradeſmen can, or will fly from kingdom to kingdom, at the requeſt, or command of Miniſters or Sovereigns, I will inſert it here. The late Empreſs of Ruſſia being particularly anxious to make St. Peterſburgh the depot of every thing valuable in ſcience, or deſirable in art, inſtructed her Ambaſſador at London, to offer a penſion of 1500l. a year to Mr. Adams the celebrated optician,

optician, if he would ſettle in her capital; the Ambaſſador made the offer, and received the following reply: That although he, Mr. Adams, did not make as much as her Majeſty had done him the honour to offer him, yet his *native* country had ſuch charms in his eyes, as *no* money could compenſate him for the loſs of; and that it was equally his duty to imform her Majeſty, that if he were to accept her penſion, it would be a deceit on his part, as he could not render the ſervices expected, unleſs her Majeſty would ſettle there *thirty* branches of trade connected with his; adding, that if he were ſettled at St. Peterſburgh, and any one of the *thirty* trades were wanting, he could not carry on his buſineſs. I will leave it to every man, to make his own reflection on this authentic anecdote.

On this ſubject of trade, I will conclude as I ſet out, with aſſerting, that a Union cannot give us any right to trade, which we do not at preſent poſſeſs, though, almoſt to a certainty, we ſhall be deprived of one, which we now enjoy, that of trading *directly* to the Eaſt-Indies from the port of Cork, and not obliged, as we ſhall then be, like the Scotch and the people of England, to purchaſe India ſtock, to be concerned in that trade. I do admit, that although a Union cannot increaſe our rights, yet it *may* greatly enlarge the exerciſe of one of them, that is, the channel trade, which, as yet, is unfavourable to this country, and which, for her own purpoſes, England refuſes to put on a fair ground. Tranſlate then this politico-commercial jargon, into the language of truth and nature, and it amounts to this:—A rich and powerful nobleman acknowledges there remains an unſettled account, between him and a farmer's daughter, but

before

before he will agree to come to any ſettlement with her, he inſiſts on what is *dearer* than life. No, my Lord, replies virgin poverty, with virtuous indignation ſtarting in her lovely eyes, *Periſh*, juſtice! if honour is to be its price! Death, rather than proſtitution!

Sir, as I here concluded all my arguments, I would on an ordinary occaſion end my letter; but as the ſubject matter of it relates to the rights and liberties of my country, about to be violated, if a Union ſhould be propoſed, I cannot take leave of you Sir, without making this letter the medium of my addreſs to the Deity on their behalf, humbly ſupplicating the aid, and imploring the aſſiſtance of *him* in their defence, at whoſe *awful* bar Kings and Parliaments muſt appear to anſwer for all their acts, not as here, according to the law "of exiſting circumſtances," but by the rules of *moral* juſtice, which no time can change, nor any legiſlature deſtroy; and finding an addreſs to the ſupreme being, on a ſimilar ſubject, the liberties of England, by one of her nobleſt ſons, Lord Ruſſel, I adopt his words, with the alteration of ſubſtituting Ireland for England.

"Hear then, Jehovah! hear thy ſervant's pray'r!
Be Ireland's welfare thy peculiar care!
Defend her laws, her worſhip chaſte, and pure,
And guard *her* rights, while earth and heav'n endure!
O! let not ever fell tyrannic ſway,
His bloodſtain'd ſtandard on her ſhores diſplay!
Nor *fiery zeal* uſurp *thy* holy *name*,
Blinded with blood, and wrapt in rolls of flame!
In *vain* let ſlavery ſhake her threat'ning chain,
And *perſecution wave* her torch in *vain*." Amen.

In

In the part I have taken on this occaſion, and the ſentiments I have expreſſed, *offence* has been unintentionally given by me, to ſome, whoſe friendſhips I value, whoſe opinions on ordinary ſubject I am bound to obey, and whoſe protection is neceſſary to my future advancement; to them I ſay in the language of the Roman moraliſt.

"Cari ſunt parentes, cari liberi propinqui familiares, ſed omnes omnium caritate, patria una complexa eſt."

As this juſtification is offered with reſpect, ſo, it is hoped, it will be received with kindneſs.

I have the honor to be,

SIR, &c.

GEORGE BARNES.

Uſher's-Iſland,
Monday, December 17th, 1798.

P. S. In this letter, written in the greateſt hurry, began on Tueſday 11*th*, and a part of it ſent to the Printer on Friday evening, there muſt certainly be much to be expunged, much to be altered, and ſomething to added; but the Author confidently hopes, that a generous Public will take "the will for the deed;" and believe him when he aſſures them, that nothing but an imperative ſenſe of duty, calling upon every Iriſhman to contribute his mite to the ſtock of general information upon this momentous queſtion, could have induced him to trouble them with his humble ſentiments at the preſent time. Whatever may be their fate, he reſts ſatisfied with the conſoling reflection, of having endeavoured to diſcharge his duty, to his Country, and his King.

THE END.

BIBL CANT ACAD
Falkiner G. 1/21
18 Feb 1974